PROHIBITION INSIDE OUT

ROY A. HAYNES

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BY

ROY A. HAYNES
Prohibition Commissioner

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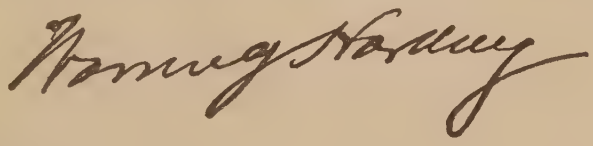
First Edition

To THE men and women of America who have toiled, sacrificed and prayed for the success of national prohibition; far-seeing folk, whose souls caught the splendour of this great movement from afar, and faithful to the vision, gave their best for human betterment and the cause of their country's advancement, this volume is dedicated.

FOREWORD

THIS administration stands squarely for the enforcement of the Eighteenth Amendment and the laws pursuant thereto. There is only one position tenable for a public official or law-abiding citizen: Support the Constitution and obey the laws as they are enacted. The Constitution of the United States should command the respect and obedience of every American citizen, otherwise our Government cannot long endure. Standing firmly upon this conviction, as Chief Executive, I have given my whole-hearted support to the Prohibition Unit in its difficult task of enforcing the National Prohibition Act. The Prohibition Department has made, and is making, substantial progress. It deserves the support of all our people in its great work. I think they will be greatly interested in the observations you have made based upon your experience and intimate knowledge of the problem.



June 11th, 1923.

PREFACE

THERE has been an insistent demand upon me from all parts of America for addresses on the progress of prohibition law enforcement. Many earnest inquiries, too, come constantly from all quarters of the world for accurate, information; and magazines and various publications every day solicit contributions on the subject.

For over two years I have devoted every ounce of my energy to the task assigned me by an administration interested in and committed to an honest, fearless, energetic enforcement of the law. I have delivered as many addresses as other multitudinous administrative duties and physical endurance would permit. In the main, the press has shown increasing tendency to be really avaricious for a certain type of prohibition news and has also carried a vast deal of accurate information. Yet the general interest is such and the demand so insistent upon me for a simple, accurate story of the progress of this great movement, as sensed by one intimately familiar with its history and in closest touch with its various stages, difficulties, successes and outlook, that it seems to me through this channel the public and the cause can best be served.

I shall endeavour to tell the story as it is, without bias, prejudice, or bigotry. Indeed, no imagination, no enlargement upon fact is necessary to cause it to grip the attention and thrill the most casual reader, for the progress of this great governmental policy constitutes a most thrilling, amazing, and convincing chapter of history. The

statements in this book are based upon personal experience and observation. Details, such as localities and names, are frequently omitted, as their publication would be incompatible with the public interest.

I have always been accused of being an optimist, and, after two years of as strenuous a public career as comes to most public officials, that optimism has not been dimmed or lessened, for though there has been much contact with those who, for personal gain, are constantly trying to defeat the purpose of the law, there has been ever present the counterbalancing element that has been helpful, sincere, earnest, coöperative, and patriotic.

Many ardent prohibitionists must have their attention called to the fact that it is just as clearly the right of the industrial and medicinal liquor business, recognized under the law, to have its legal privileges safeguarded by the government agencies provided therefor by statute and regulation, as it is contemplated that similar agencies apprehend those who violate the law and abuse those privileges.

The real crux of the whole matter, however, is found in the fact that the problem has greatly outgrown the prohibition question, for as in the '60's a greater problem than slavery grew out of that issue—the preservation of the Union itself—just so a greater problem than the prohibition question has grown out of it, and that is the preservation of the sanctity and majesty of all law, the saving of the Constitution, the foundation of the Government itself. So all careful observers agree that America to-day is facing the testing time; the time when this great self-governing people is to determine whether or not a democracy is strong enough to make and enforce its own laws. That issue is paramount and disassociated from prohibition. It is no longer a question as to whether we

are for or against that legislation, but it is whether or not we are for or against the Constitution of the United States, and whether or not we will obey and support the laws of the land.

I believe that the vast majority of American citizens are fundamentally sound, patriotic, and dependable. In no form of government is it so necessary that the majority shall be composed of such high-grade, intelligent, dependable, patriotic citizenship as in a republican form of government, for the quality of the laws adopted directly, or indirectly, reflects the quality of the majority of our citizenship.

Law always follows in the wake of civilization, but never leads. The purpose and the object of law are to regulate and control the relations of men to each other and the relations of men to the state. Clearly, these relationships must first come before there is anything for the law to regulate. Progress goes on and on; new relations between men are established, and it becomes the purpose of the law to follow along behind them to regulate, and to order, and to systematize them; and to effect, if occasion require, justice out of injustice, and to provide the people with the means whereby they can enjoy the greatest degree of security, happiness and prosperity.

It is also true that civilization is always in a condition of change; new environs produce a change of conduct. In almost every period, new sets of social relations are gradually established. Our present-day civilization is constantly becoming more complex. It is estimated that more than half of our population is congregated in cities, and so new social problems are created and new duties arise. As life becomes more intense, various checks and restrictions of necessity evolve in the religious, economic, industrial, social, and governmental phases of life. Therefore, whenever abuses creep into our civilization, which

impair or impede the development of the highest type of citizenship, quite properly such abuses must be controlled or eradicated. Then law and regulation step in. It was to control the abuse of the beverage use of liquor—which abuse had crept into our civilization and was impairing the development of the high quality of citizenship just referred to—that the great majority of America spoke, and unquestionably that majority to-day is as firmly determined that the abuse shall be controlled and restricted as ever in the history of the movement.

The basis of all stability in all personal, domestic, business, community, national, or international relationships is the observance of covenants or contracts. Every citizen enters into a contract with his government to obey the laws of the land, and if there should be a general disregard of that contract upon the part of large numbers of our citizenship, great danger to the Republic would result. Therefore, the appeal to-day is one which should inspire every true, patriotic American. The appeal should receive such response that it should not longer be necessary so to stress the thought of prohibition *law enforcement* as the thought of *law observance*.

So, in the recounting of the incidents in the evolutionary progress of this great governmental policy in the succeeding pages, it will be apparent that, in spite of long-established political usage; in spite of cumbersome departmental procedure; in spite of imperfections here and weaknesses there; in spite of a noisy minority; in spite of unfavourable developments at times in the legislative or judicial departments of the Government; in spite of all obstacles, gratifying progress has been made, and may confidently be expected in the future. As for the present status, let the record of accomplishments speak for itself.

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PROHIBITION INSIDE OUT

CHAPTER I

CROWNING THE CRUSADERS

PROHIBITION is here to stay. As President Harding has said, "The day is unlikely to come when the Eighteenth Amendment will be repealed. The fact may as well be recognized and our course adopted accordingly."

The illegal liquor traffic is under control. Its subjection during the past three years may not have been so full or complete, perhaps, as we should like to see it; but the point is that it is under control and that the control becomes more complete and thorough with each passing day.

Prohibition is the law of the land. More than that, it is a part of the Constitution of the United States. It was written into that immortal document by the overwhelming sentiment of the people of this country, a sentiment that has been expressed with increasing emphasis in many sections where the dead issue has since been galvanized into life.

The clamour of a dwindling claque cannot drown the voice of Truth. Indeed, the tumult is eloquent of the desperate plight in which the outlawed and expiring industry finds itself to-day. The death rattle has begun.

It was long in coming, for the liquor problem in the United States was by no means a new problem. Older than the nation itself, it dated back to the first days of the

white man in the Western world. As conditions changed, the nature of the problem became more complex and changed, too; but it ever remained a problem and ever presented new and vexatious obstacles to the orderly processes of community development and to the country's economic and spiritual advancement.

Difficulties placed by the illegal liquor interests and their allies in the way of national prohibition enforcement are but the continuation, in guise assumed to meet the changed conditions, of former practices which long plagued the nation. They differ only in form and none at all in purpose. They are naturally expected and naturally have been discounted and successfully combated.

The first liquor law in the New World, so far as can be found, was placed on the statute books by the Colony of Virginia in 1619, a year before the sailing of the *Mayflower*. It outlawed the drunkard and provided for his public reproof.

Other expressions of the public conscience followed quickly. In 1630 Governor Winthrop of Massachusetts discontinued the practice of drinking healths and asked others "to do the like." Plymouth Colony forbade drunkenness by statute; Virginia enacted the law of England against drunkenness; Maryland, in 1642, fined its drunkards 100 pounds of tobacco for each offence; Massachusetts forbade its drinkers to imbibe more than one half of a pint at one time and put a legal ban on tippling "above ye space of half an hour." The citizen of New Plymouth who became intoxicated was disfranchised, and one by one the Colonies restricted or forbade the sale of liquor to the Indians, thus indicating the nature of the first major liquor problem in America.

More than a century before the Revolutionary War, the liquor problem was a growing one throughout the

Colonies and the sale of liquor was hedged about with many restrictions.

During the hundred years preceding the Revolution the Colonies enacted scores of regulatory liquor laws. New York, in 1697, forbade the patronage of saloons on Sunday. South Carolina made it unlawful for a planter to sell liquor for consumption on the premises. New Hampshire, in 1719, forbade the sale of liquor to drunkards and provided for the posting of their names. Governor Oglethorpe of Georgia, on the second day of his arrival in America, declared the importation of ardent spirits to be illegal and two years later the English Parliament prohibited such importation.

Some of these enactments were subsequently repealed but the early history of the Colonies abounds in instances telling of the growing magnitude of the liquor problem in America.

When the Continental Army took the field, the problem was appraised at its true status by Washington, who issued orders, on March 25, 1776, at Cambridge, Mass., calling upon all officers to prevent, as far as possible, the men of their command from frequenting tippling houses. On September 20th, the Continental Congress prohibited the sale to soldiers of any kind of liquor by sutlers and limited the alcoholic rations of the men to the allowances of the various Colonial legislatures and Congress.

The Continental Congress, in session at Philadelphia in 1777, adopted a resolution recommending to the several legislatures the immediate passage of "laws the most effective for putting an immediate stop to the pernicious practice of distilling grain, by which the most extensive evils are likely to be derived if not quickly prevented." At that time, however, the liquor problem was an old-comer before the young legislature, its first appearance having been made in the first Congress, in 1775.

The leaven of temperance worked slowly but effectively during the long period between the Revolutionary and Civil wars. In 1861, drinking and drunkenness were fast becoming a national problem comparable with slavery. Congress, in 1861, passed an Act forbidding the sale or gift of intoxicating drinks to soldiers. Again, in 1862, Congress took cognizance of the evil by adoption of a joint resolution prescribing the immediate dismissal of any officer found guilty of habitual drunkenness.

Lincoln, like Washington, knew the magnitude of the liquor problem. To Chaplain Merwin, who had been conducting a campaign against drinking in the army, Lincoln said:

"Merwin, with the help of the people we have cleaned up a colossal job. Slavery is abolished. After reconstruction the next great question will be the overthrow and abolition of the liquor traffic, and my hand and my purse will go into that work.

"Less than half a century ago I predicted that a time would come when there would be neither a slave nor a drunkard in the land. I have lived to see, thank God, one of these prophecies fulfilled. I hope to see the other realized."

Prophetic words, spoken on the very day of his assassination!

During the years immediately following the close of the Civil War the evils of the wide-open saloon grew to Goliath-like proportions, but even then a David, unknown and unsung, was marching to the field of battle.

Unlike the stripling of old, this David was a gentle wife and mother, shielded from the storm and stress of the world, whose quiet life knew only the devotion to God, family, and home. The daughter of a former governor of Ohio, she lived in my old home town of Hillsboro. Some of my most cherished recollections centre around her. As

a mere boy it was often my privilege to take her, on occasional Sunday mornings, in my father's carriage, from the Methodist church, where she worshipped, to her home. That home, the old Governor Trimble mansion, is still standing, known throughout the world to-day as a Temperance Shrine.

And the fame of that gentle woman, Mrs. Eliza Jane Trimble Thompson, has spread the length and breadth of Christendom. Millions have known of her as "Mother" Thompson, leader of the Crusade Movement which developed into the Women's Christian Temperance Union, essentially the foundation of all the great temperance reform movements which have resulted in national prohibition in America.

On the evening of December 23, 1873, Dr. Dio Lewis, a lyceum lecturer of Boston, staying in Hillsboro a day beyond his appointed time, delivered a temperance address in which he related that his mother and several of her friends had united in prayer for liquor sellers of his native town until they gave up their business.

"You might do the same thing in Hillsboro," he said, "if you had the same faith." Then turning to the ministers and temperance men about the platform he suggested that he ask the women of the audience to signify their opinions. The men nodded assent, and fifty women or more stood up in approval of the idea. The lecturer then asked the men if they would support the women in their undertaking, and sixty or seventy men arose.

After this heartening demonstration, Dr. Lewis turned to the pastor of the Presbyterian church and requested him to meet on the following morning with the women and help them organize. The pastor, Dr. W. F. McSurley, willingly agreed, and his church became known as the old Crusade Church.

Mother Thompson was not present at that meeting but her children were. They returned home fired with zeal and to her related their experience, adding that she had been placed on some of the committees for work the next day. The conversation disturbed Judge Thompson, the husband and father, who was resting on a sofa, and, rousing up, he asked: "What tomfoolery is all of that?"

The children stepped out of the room and Mrs. Thompson explained what had been done.

"If the Lord would show me," she added, "that it was His will for me to visit places where liquor is sold and drunk, I should not shrink from it." She was somewhat troubled and hesitant, this frail, retiring—even timid—little woman when her husband asked her the next morning at breakfast if she were going to the church.

"Children," said Judge Thompson, noting her agitation, "you know where your mother goes to settle all vexing questions. Instead of family prayers this morning, let her alone to make her decision."

She went to her room and, kneeling, had opened the Bible to read when one of her daughters came to the door.

"Look," said the child in trembling voice as she handed her mother a small opened Bible. "See what my eyes fell on. It must be for you."

Mrs. Thompson took the opened book and sat down to read the wonderful message of the great "I am" contained in the 146th Psalm which from that day has been called everywhere the Crusade Psalm. As she read, she afterward related, the Spirit told her: "This is the way; walk ye in it"; and peace and calm came into her soul and she no longer had doubt as to her duty.

She went quickly to the church and there was unanimously selected as leader. The men retired, and she mounted the pulpit and presided.

They made their plans to appeal to the druggists, the hotel proprietors, and the saloon keepers. Then, after prayer, they formed in line, two and two, and marched out of the church, singing the hymn, "Give to the winds thy fears."

They came, seventy gentle, timid women going into battle against a nation's vice, into the chill December sunlight of the village street. Their first step into the outer air brought them under the gaze of the curious who had come to wonder and, perhaps, to scoff. Their timidity left them at the church door and in its stead there came into their hearts the calm courage of great resolution. Down the village street they made their solemn way to drug store, hotel, and saloon, to sing, to plead, to kneel in the dust of the pavement or the sawdust sprinkled on the floor, and pray.

The day was Christmas Eve, fifty years gone by with the coming of next December, and my paternal grandmother was among them. In time their prayers prevailed. Hillsboro became dry and the Crusaders had begun their long and toilsome march on Washington.

At that time the prohibition movement was in the second of four successive stages that marked its advance to nation-wide success. During the first stage, the liquor problem was met in haphazard and inadequate fashion by a multitude of regulatory laws, state and local. The saloon, however, remained legalized and so long as it was tolerated, drinking and drunkenness increased.

The second stage might properly be characterized the local-option period. Residential districts, villages, townships, cities and counties fought for and obtained the right to decide by majority vote whether they were for or against the legalized saloon. Large areas were voted dry

and these sections soon demonstrated the economic, social, and moral advantage over communities dominated by the liquor traffic.

It was a natural step to the third stage, or the application of the local-option principle to entire states. As commonwealth after commonwealth outlawed liquor, the liquor traffic, sensing its coming peril throughout the nation, apparently threw judgment to the winds and endeavoured by endless artifice to nullify the law in the dry communities. By this action it hastened the coming of the fourth stage, or the extension of the dry boundaries to the entire nation.

So the people of America had had a long period of preparation for prohibition when national prohibition came. Thirty-three of the states had adopted prohibition before ratification of the Constitutional Amendment was submitted by Congress to the legislatures on December 18, 1917. Twenty-five of these states had adopted prohibition by referendum vote and eight by legislative enactment. In addition, four territories had embraced prohibition, two by referendum and two by act of legislature.

The thirty-three states and four territories embraced within their boundaries 60.7 per cent. of the country's population and 87.8 per cent. of its area.

Within less than thirteen months after the submission of the Eighteenth Amendment the necessary thirty-six states had ratified it. According to the provisions of the Act, the Amendment became effective a year from the date of the ratification by the last of the thirty-six states, or on January 16, 1920.

But still the states continued to ratify until forty-six had voted favourably on the Constitutional Amendment. Only two states, Connecticut and Rhode Island, refused

to ratify. The forty-six states voting ratification contain 98.2 per cent. of the country's population and 99.75 per cent. of its area within their borders.

Those who claim that prohibition was "put over" on the American people would do well to consider the record.

To conduct the Federal Government's share of the work of carrying out the provisions of the Eighteenth Amendment there was created in the Bureau of Internal Revenue of the Treasury Department, as part of that Bureau and under the direction of its head and the Secretary of the Treasury, the Prohibition Enforcement Unit.

It may be well to direct attention here to the fact—which will be dealt with in detail in succeeding pages—that it was never contemplated, either before ratification of the Amendment or thereafter, that the Federal Prohibition Enforcement Unit alone should bear the burden of prohibition enforcement. Manifestly it would be impossible for a comparatively small section of a single bureau of one executive department of the Federal Government to enforce alone the law in every state, city, county, town, and township of the United States,

Such is not the intent of the law. The Amendment is clear and explicit in this regard, specifically giving to the states concurrent power with which to enforce the law in their respective confines. And as the Eighteenth Amendment is as much the Constitution of the United States as the original document, its provisions are no less American than are the original provisions.

Clearly, therefore, it is the duty of the state to enforce the Eighteenth Amendment within its borders, and clearly this contract with the Federal Government has been recognized by forty-six of the forty-eight states by their enactment of concurrent enforcement laws.

There remains, however, enforcement work which as clearly comes within the national sovereignty. It was this kind of enforcement that the Prohibition Unit was created to perform.

The work of the Unit during its first year proceeded without the guiding benefits of precedent. As it was constructed to perform a task almost wholly new in federal government, so its organization necessarily was built without the riper knowledge that comes from experience. Prohibition enforcement was a work whose dimensions had not been taken when first the Unit was organized.

One of the first acts of the present administration was the reorganization, for greater efficiency, of the Prohibition Unit, both at Washington headquarters and in the field. Responsibility for permit and enforcement administration alike was consolidated in the respective state directors. Upon that basis the old force was completely reorganized and new forces were created in the forty-eight states, and in Alaska, Hawaii, and Porto Rico.

A mobile force of picked men was created as a supplemental enforcement branch. This force, known as the General Agent's force and operating throughout the country under the Chief General Agents, is divided into squads in eighteen geographical areas. It acts under instructions from the Washington headquarters, undertakes any and all assignments, is frequently shifted and changed in personnel and is one of the most effective arms of the entire service.

In addition, a Field Supervisors' Force was organized. Its activities parallel somewhat those of national bank examiners in their field. At unexpected and irregular intervals these expert accountants from the Washington headquarters appear at the various offices of directors and

divisional chiefs, check their operations, and offer suggestions for the improvement of the service.

The number of employees of the Prohibition Unit varies from time to time. During the first two years of the Harding administration, the maximum was about 3,996, covering the entire force, both at Washington and in the field. Seven hundred employees of the former organization, including Civil Service office forces, remained in the service. The work of the Unit, however, more than doubled during those two tears. An index to its volume is afforded by the mail of the Washington office which had risen from about 50,000 letters a week in 1921 to as many as 165,000 a week by July, 1923. A corresponding increase has been noted in the offices of State Directors.

There are two kinds of enforcement: preventive and strong-armed. A proper supervision of the permit, or preventive enforcement, means fewer actual violations. Accordingly, new permit methods have been instituted, including a new form of permit, virtually impossible to counterfeit, and more thorough supervision of permit holders.

Use of perforating machines of ingenious device, the like of which are not used elsewhere, and specially prepared paper for permits has resulted in notable improvement in control of withdrawal of liqour for medicinal purposes and the prevention of diversion. Adoption of a new prescription blank, of distinctive paper stock, for use by physicians, also reduced fraud. In addition, copies of all withdrawal permits issued by State Directors now come to Washington and operate as a check on the amounts of liquor allowed in basic permits.

The inauguration of new methods, of which the preceding may serve as illustrations, has enabled the Unit to effect increased efficiency in preventive enforcement and has simplified its work.

What might properly be designated as routine enforcement, involving everyday safeguards around the legitimate user, as well as repressive measures against the illegal traffic, is vested largely, subject to minute supervision by the Washington headquarters, in the State Directors. The Directors, of course, are subordinate to the Prohibition Commissioner who, in turn, is subordinate to the Commissioner of Internal Revenue (his immediate superior), the Secretary of the Treasury, and the President.

Major divisions of the Prohibition Unit at Washington include the office of Counsel; the office of Chief of the General Prohibition Agents; the Permit Division; the Audit Division; the Industrial and Chemical Division; and the Narcotic Division, whose activities, as its name implies, are concerned with the enforcement of the narcotic law.

The office of Counsel has a twofold function: it is charged with the interpretation of the prohibition laws and regulations (also the Harrison Narcotic Act) and it is concerned with the prosecution of criminal and civil cases arising from the operation of the laws it interprets.

It should not be inferred, however, that the office of Counsel, or, indeed, any division of the Prohibition Unit, conducts the prosecution of cases in the courts. Such is not the case. The handling of cases, so far as the Federal Government is concerned, is wholly the function of the Department of Justice. Prosecutions, civil and criminal, in the courts are conducted by the various United States Attorneys under the directions of an Assistant to the Attorney General with headquarters at Washington. The work of the Prohibition Unit is to secure evidence, not to prosecute the violator.

The Chief of General Prohibition Agents is in immediate

charge of the mobile forces of agents already referred to. Under his supervision and direction are eighteen Divisional Chiefs, each with an area comprising a group of states. To the mobile force are assigned special cases of law violation, often requiring the highest form of detective skill and great personal hazard. Prohibition patrol boats also are under the operation of a special marine force attached to the office of Chief of General Prohibition Agents.

Duties of the Permit Division include the following:

It issues permits for the legitimate use of intoxicating liquors, including permits to export (and import) but not including permits to transport or permits to prescribe, which are issued by Directors.

It passes upon all non-beverage bonds given in cases of non-beverage operating permits.

It handles renewals of all basic non-beverage permits outstanding for one year.

It establishes standards for medicinal preparations, toilet preparations, and extracts.

It checks withdrawals of liquor so that the amounts authorized by basic withdrawal permits shall not be exceeded.

The Industrial Alcohol and Chemical Division conducts the administration of that part of the law relating to industrial alcohol, makes the Unit's chemical analyses and administers certain features of the Internal Revenue laws concerning bonded warehouses, storekeeper-gauger assignments, and other miscellaneous provisions of the regulations.

The Audit Division examine and audits returns and accounts relating to un-tax-paid spirits in government bonded warehouses; denatured alcohol shipped to or in possession of manufacturers, dealers, and users; liquors in wineries, storerooms, breweries, and dealcoholizing plants; and

liquors dispensed on physicians' prescriptions, disposed of for non-beverage purposes. It also determines assessments, prepares assessment lists, examines claims and compromise cases, and makes recommendations with reference to the disposal of such cases.

Such is a brief outline of the reorganized Prohibition Unit. Its personnel is carefully selected. It has been the policy during the past two years to make no appointments to the force of men or women unsympathetic with its purposes or the intent of the law. No man can do his best work for a cause in which he does not personally have faith.

So far, therefore, as it has been possible to man the Unit with employees of proved ability and of known adherence to prohibition principles, the force has been built up of men and women who believe wholeheartedly in the daily tasks they are performing and consequently have an additional incentive to make their work of the highest standard.

In the face of many difficulties, and often of great temptation, this loyal force of earnest workers is making progress which cannot fail to win the admiration of those familiar with what has been accomplished and how it has been done.

CHAPTER II

GLIMPSES OF THE MOONSHINE STILL

IT IS virtually impossible to buy good whiskey from the illicit liquor interests in the United States to-day. What the bootlegger offers as high-grade imported whiskey or bottled-in-bond stuff is neither. In 95 per cent. of the cases, or more, it is moonshine—not pure and simple, but watered, thinned down, adulterated, and fearfully doctored with chemicals, many poisonous, to give it color, a "kick," and a bead.

The moonshine still is the bootlegger's chief source of supply. From what other place can he get his liquor in quantity? Surely not from the rigidly controlled bonded warehouses—they are eliminated at once. As to smuggled liquor, some, it is true, is brought into the country, but not one tenth as much as the illegal traffic would have us believe.

When reports of huge smuggling operations are circulated, it should be remembered that the illicit liquor interests are conducting a great and elaborate propaganda campaign to discredit law enforcement, and that the spreading of such reports is part and parcel of that campaign. No bootlegger, of course, is willing to admit that he can obtain only adulterated moonshine. Hence, fanciful tales of the wet wave sweeping in on our coasts, and other related falsehoods swung from mouth to mouth to hide the real and dangerous origin of what the bootlegger has to sell.

The moonshiner of old flourished largely in the Southern mountains, an illiterate, poverty-stricken backwoodsman whose poor hut and still were remote from towns, cities, and railroad. This type of moonshiner made whiskey from corn which he grew on his own semi-barren hillsides. He liked the taste of liquor himself, and besides, it was easier and more profitable to market the small product of his farm in liquid form. Moreover, these sons of the soil, unlettered in the law's distinctions, firmly believed they had the right to do as they pleased with what they produced on their own acres.

They saw in the Government's repressive activities only meddlesome attempts to interfere in their private affairs. They came to regard the revenue officer as their deadly enemy—but generally not to be molested, unless he were the aggressor. Financially and educationally, they were the poorest of paupers. But they were a simple-minded, home-loving folk for the most part, intense in their family ties, seldom given to violence, notwithstanding the popular misconception, and outlaws in but one particular.

True, there were bad men among them who handled one gun or two with equal deadliness and were ever ready to use both; and there were also large stills, here and there, in those days before prohibition, but these generally were the exception in both instances.

The modern moonshiner possesses none of the good qualities of his predecessor. He has all the vices of the old-time moonshiner plus a host of city-acquired vices which the untutored denizens of the mountains would have abhorred. He constructs his still not in the remote fastnesses of the hills, but in the heart or surburbs of our cities. Usually, his product is vile.

The old-time moonshiner, for instance, used lye with which to scrub clean the receptacles in which he placed

his mash. After its application, he would remove its traces with water from the nearby spring or creek. The modern moonshiner uses lye, too, but his design is to give his product a "kick." So he fills a pail with water, and pours in his lye till the water will dissolve no more of it. Then into the fermented mass he pours the saturated solution. The proportion is generally one gallon of lye solution to fifty gallons of "beer," as the liquor for distilling is called. The "beer" is distilled, but a quantity of the lye inevitably remains in the product. In the course of a few weeks this kind of moonshine if drunk continuously is likely to eat out the lining of the human stomach.

Again, the old-time moonshiner, back in the mountains, found that if he soaked his malt in an extract which he called red ivy ooze, the liquor would have a better bead. The modern Southern moonshiner, when he can get it, uses red ivy ooze, too, but in a far different way.

Red ivy ooze of the mountains was made by boiling the roots of the red ivy plant. That plant, as distinguished from the poison ivy vine, is a bush, somewhat like laurel in appearance, and producing a small red flower from which it derives its name. It is a poisonous plant; cattle eating it when the grass growth on the hills becomes exhausted invariably die as a result.

In that concentrate of poison the old-time moonshiner would soak his malt. The malt then was dried and used sparingly to enhance fermentation in the mash. An infinitesimal amount of the ivy poison was left in the finished product.

The modern bootlegger of the South pours his red ivy ooze directly into his "beer" in the usual proportion of one gallon of ooze to fifty gallons of "beer." A considerable percentage of the poison remains in the finished product. If taken in heavy quantities or continuously, it is deadly.

The old-time moonshiner used corn meal for his mash. Theoretically, it is possible to extract about three and one half gallons of alcohol from the meal of a bushel of corn, but in most cases the moonshiner was able to obtain only from two and one half to three gallons of liquor. The up-to-date moonshiner uses corn meal (in the South) and sugar. A bushel of meal and fifty pounds of sugar will produce about six gallons of moonshine. In the North, as a rule, sugar is the chief ingredient used. It is cheaper, but the quality of the product is greatly inferior.

In our populous cities, 90 per cent. of the moonshining is done by the foreign-born population. Their methods are exceedingly unsanitary. Their stills are often located on the upper floors of crowded tenement houses. They may be detected quite often by their peculiar odour. In the fresh air of the mountains it is possible to detect a still a mile or more away by the odour; not so, however, in the impure air of our cities.

Much of the moonshining of to-day is conducted on the fringes of the cities. The old-time moonshiner is dwindling in numbers and there are fewer stills now in the mountain fastnesses of the South than there have been for generations. Prohibition agents, hunting down the illegal traffic under newer and approved methods, have sounded the knell of the mountain moonshiner.

Moonshiners with large stills located near populous centres supply much of the illicit traffic to-day. These stills are local affairs, built to satisfy local bootleggers. There is no organization or association of moonshiners; that phase of the illegal industry is highly decentralized; and because of that condition, the enforcement officer's task is all the more difficult.

Often the moonshiner is a city dweller of considerable means who has constructed his still convenient to a high-

way, arranged for the transportation of supplies, handled the sale of the product to half a dozen or more bootleggers for peddling at retail, and left the actual operation of the still to paid employees. The wages of such employees generally are about $10 a day for attending to everything at the still, from receiving supplies to making the moonshine and delivering it to the buyers.

Supplies for such establishments generally move by motor truck at night. If the still is one of, say, several hundred gallons' daily capacity, the value of supplies required mounts rapidly. Supplies—sugar, meal, fuel, etc.—generally are bought at wholesale prices in such cases.

The cost of making moonshine whiskey varies from forty cents or so a gallon, up. In the case of one of the largest illicit stills ever apprehended by prohibition agents, situated not far from Washington, D. C., the cost of producing its 500 gallons a day was placed at about fifty cents a gallon. This liquor was sold to bootleggers at $2.25 a gallon at the still, the buyer transporting it. One of the chief buyers was a wholesale bootlegger of Washington. He sold it, after first adulterating it, in five-gallon lots or more at $8 a gallon. After buying it, the bootleggers still further adulterated it and sold it at prices varying from $4 to $7.50 a quart.

Thus the stuff that cost the moonshiner fifty cents a gallon to produce, reached the ultimate consumer at prices ranging from $32 to $60 a gallon, an increase of from 6,500 to nearly 12,000 per cent. Some of this liquor was coloured with iodine.

An even more flagrant instance of profiteering in bootleg whiskey was uncovered in an exclusive club of an Eastern city, where a pint of whiskey, presumed to be bottled-in-bond, was sold for $12.50. Analysis proved the

whiskey to be a poor grade of bootleg whiskey made from cheap alcohol and liberally adulterated. A gallon of alcohol, selling for fifty cents, supplied the basis for stuff sold at retail for $166.67, a profit of about 33,000 per cent.

The vendor of this whiskey was arrested and injunction proceedings were instituted to close the club.

In another instance, a "manufacturer" was apprehended while bottling four different kinds of whiskey from a single barrel of alcohol. The labels on the bottles were first-class imitations of those used on two kinds of Scotch whiskey, one brand of American rye, and one of American Bourbon. In addition, he bottled a high class of imported "gin" from the contents of the barrel. Various extracts and colouring materials were used to make his product resemble genuine brands.

That distillery was on the third floor of a crowded tenement.

In still another instance, the bootlegger adulterated his product with water and added a quantity of a chemical mixture recommended by a friend to give it a kick. Among the bootlegger's customers was a locally well-known lawyer. The lawyer bought, drank, and died. The bootlegger was charged with manslaughter. The stuff used to furnish the kick proved to be embalming fluid.

Ninety-eight samples of bootleg whiskey obtained by enforcement agents in Philadelphia and thoroughly representative of the kind of stuff peddled by the bootleggers of that city were analyzed by Prohibition Unit chemists. Here is what the analyses disclosed:

Four of the samples were pure whiskey.

Four were denatured alcohol mixed with coloring matter and other materials.

Ninety were denatured alcohol redistilled. They con-

tained varying proportions of the poisonous denaturants.

Several of the samples were colored with iodine.

That is a fair sample of the bootleggers's "art," his wares, and his customers' illicit beverage throughout the United States.

In the larger cities of the country at least 50 per cent. of the moonshiners apprehended by enforcement officers are unable to speak English, and nine moonshiners out of every ten are foreign-born. They are the men who supply the city bootlegger with almost the entire volume of what he sells. Some of the moonshiners have complete sets of imitation labels which they paste on their bottles. One plant employed women to sew the bottles in heavy burlap sacks, six bottles to a sack, to make it appear that the liquor had been smuggled in from the Bahamas.

It is the rum-runner's custom to load much of his liquor in the Bahamas in that form. The bottles are laid on their side. Three bottles are placed on the bottom row, two bottles on top of them, and one on top of the two. A heavy burlap covering is sewed around the package. In that form it will withstand considerable handling without breakage, and lends itself handily to stowing away in a vessel's hold.

Illicit liquor thus packed becomes known throughout the illegal industry as smuggled stuff. Its form of packing is considered its guarantee of origin. The moonshiners referred to in the foregoing set out to "double cross" the bootlegger to whom they sold.

The practice of redistilling denatured alcohol and using the resultant moonshine as the basis for bootleg whiskey to be sold under fake labels assumed large proportions last fall along the Atlantic seaboard. In New York City alone during the month of November, 1922, about 500,000

gallons of denatured alcohol were withdrawn, every gallon upon the representation, under oath, that it was to be used for industrial purposes.

Denatured alcohol, it should be borne in mind, is poisonous. It is wholly unfit for consumption, but has a useful place in many industries. It is used extensively in the manufacture of hair tonics, perfumes, celluloid materials, paints, polishes, enamels, etc. Under the law, it is not taxed.

The large volume of denatured alcohol apparently demanded by the industries of New York City led to an investigation which disclosed the fact that apparently many thousands of gallons were being diverted to bootlegging purposes. Occasionally, also, it was found that the maker of grain alcohol, through fraud and collusion, was enabled to deliver the alcohol (of about 190 proof) without denaturing to a confederate in the illegal industry. Such alcohol, diluted and mixed with colouring matter, was peddled as high-grade smuggled whiskey at prices ranging from $10 to $15 a quart. A gallon of the original alcohol, watered down, coloured and doctored, made sufficient bootleg whiskey to sell for from $80 to $120.

One man was caught driving a truck out of an establishment where he had just illegally obtained thirty barrels containing fifty gallons each of grain alcohol. The alcohol cost him $750; the bootleggers would have obtained for it, in the form of "genuine smuggled stuff," from $12,000 to $18,000.

As a result of this investigation, further restrictions were put into effect, which reduced the volume of withdrawals of denatured alcohol in New York City by February, 1923, to about 320,000 gallons monthly, and consequently curtailed to that extent the bootlegger's supply.

Moonshining in the cities is on the wane. There is less of it to-day than at any time since national prohibition became the law, and we may reasonably expect the practice to continue to lessen. Virtually all the moonshining now being carried on in and near the cities is conducted with a single end in view—profit. The moonshiner who distils for his own consumption is so rare as to be almost a nonentity, and the once prevalent fad of home-brewing is rapidly on the decrease.

It is in the mountains of the Southern and border states on the Mason and Dixon Line that moonshining is dying hardest, but there, too, it is dying. Prohibition agents in those sections occasionally find the "bad man" of the still, unregenerated by the tightening coils of the law about his illicit calling, but his clan is less numerous than formerly.

There the occasional desperado in the whiskey business still speaks with the voice of the rifle and revolver. In those hills and fastnesses the moonshiner is the native son of our soil, not the criminal product of Europe generally encountered in the larger cities. And the native moonshiner is a far more cunning and dangerous outlaw than the foreign-born. On his stamping ground where every tree is a sentinel and every winding trail a highway, he fights the government agent with an intimate knowledge of the battlefield and with a host of natural allies.

One of the old-time veterans of the Internal Revenue Bureau's force of moonshine hunters, now on the prohibition enforcement force, set out with a companion not long ago to apprehend moonshiners whose activities had been reported. The two men travelled cautiously through the woods as they neared the spot where the still was situated. After hours of slow progress, during which they made their way so silently that even the tell-tale

snapping of a twig beneath their feet was avoided, they looked down, at the edge of the timber land, upon a cleared space where the still was in full operation.

It had been built close to a narrow river, tapping an abundant supply of fresh water. Two men were engaged in the routine occupation of chopping wood and tending the fire. A canoe was drawn up on the river bank and tied with a rope to a stake driven in the ground. Between the prohibition agents and the still there was a belt of cleared land, perhaps one hundred yards in width.

As the agents debated their next move, the two men at the still saw them, threw down their implements, and ran for the canoe. The agents, pistol in hand, started in pursuit. Some difficulty was experienced by the fleeing men in launching the canoe, and as the agents were gaining rapidly, the fugitives plunged into the river and started to swim across.

At the same moment there came a volley of bullets from the opposite side of the river. The agents dropped to the ground, unhurt. A gentle mound gave shelter to one; the stump of a felled tree protected the other. Bullets rained about them, kicking up a miniature cloud of dust. They did not reply to the fire, but lay still, waiting for what was to come.

When the swimming men gained the farther shore, carried down stream by the current, their confederates, apparently believing the agents had been killed, broke cover and ran to meet them. The little group was about 150 yards from the agents, but such distance means little to men trained in marksmanship. The agents were armed with revolvers that carried accurately more than twice that distance.

They took slow aim and fired. There was immediate confusion among the group on the farther shore. One

of them dropped, the others ran for cover. As they fled the agents emptied their revolvers.

When there was no longer an outlaw in sight, and firing from the farther shore had ceased, the agents ran to the canoe, cut the rope, and paddled across the river. They quickly picked up a trail of blood, and followed it a short distance to a clump of trees where the outlaws had tied their horses. Men and animals were gone. In their haste, the outlaws had cut the bridles, leaving part of them dangling from the saplings.

Doubling on their own trail, the agents found one of the outlaws, lying where he had fallen. His life was ebbing, but with grit worthy of a better cause, he refused an offer of water or any other ministration. Almost his last act was to shake his fist, with waning strength, in their faces. He died within a few minutes.

Two of his comrades likewise paid with their lives the penalty of their lawlessness. Two more were badly wounded. One man alone escaped unhurt. Prohibition agents of the Southern mountains shoot hard and straight.

Going back to the still, the agents destroyed it. They found a fully equipped plant, a quantity of mash and "beer," and four fifty-gallon barrels filled with moonshine.

Later, the agents learned that notwithstanding their stealthy progress through the woods, they had been seen by the moonshiners' confederates about an hour before their arrival at the still, and that the moonshiners had prepared for their coming. The main body of outlaws had moved across the river into an ambuscade, with the purpose of killing the agents when they appeared. Two men purposely remained behind to signal the raiders' arrival. The canoe had been prepared for their escape, but the rope that fastened it had been tied too tightly. That little mishap caused the outlaws lying in ambush

to withhold their fire, while efforts were made to untie the knot, for fear of hitting their own fellows.

Stirring tales of battle between agents and mountain moonshiners abound in the files of Southern prohibition offices. Sometimes the moonshiners' womenfolk turn, like tigresses, to aid their kind. Then the agent's work is doubly difficult.

Not long ago, a veteran prohibition field agent and a companion trailed a moonshiner to his home. The outlaw carried in his arms the most valuable part of his equipment, the "worm" of the still. The agents were so close behind that their shadows fell upon the threshold as he entered his hut.

One of the agents stepped quickly inside, and placing a hand on the outlaw's shoulder, instructed him to throw up his hands. The answer was an unexpected blow which sent the agent reeling. The moonshiner darted for the door, gained the open, and whirled upon the agent, who, recovering, had attempted to follow him.

The moonshiner, who was known far and wide as a "bad man," brought his gun into play, with quickness and skill attained by long practice. He was taking quick aim at the agent's heart, when the second agent fired. A moment's delay in firing probably would have cost the life of a brave and loyal servant of the public. But there was not that moment's delay; moreover, the second agent was a crack shot himself. The outlaw crumpled, his bullet unfired.

At the crack of the pistol, the outlaw's two brothers ran out. They were quickly disarmed. The outlaw's father swung his rifle down from its resting place on a nail in the wall, but likewise was overpowered. One of the agents held the two sons captive, the other, their father.

Then the women appeared on the scene—three of them.

They opened with a fusillade of stones. Seizing whatever rude weapons were handiest—an iron bar, a bit of rough lumber, a rolling pin—they literally hurled themselves at the agents.

The younger of the agents levelled his revolver, but he might as well have pointed his finger. The older agent shouted.

"Hey," he yelled. "Look here."

They paused a moment, and the other agent pointed his pistol at the heart of one of his captives, a youth still in his teens.

"Drop 'em," the agent commanded quietly. The women hesitated.

"Better drop 'em," he said. "If you hit my partner or me, I'm going to kill this boy."

They dropped their weapons immediately, and began to plead for the boy's life. It was spared, of course. Later the agent was asked if he would have shot the boy, if the women had not heeded his command.

"Yes," he said. "It was a hard choice, but those women would have killed us both if we hadn't found some way to stop them. And, of course, we couldn't shoot a woman.

"Prohibition agents," he went on, "can't bluff. The minute we do, we're gone. Years ago when I was a revenue officer, I served notice on all the moonshiners in this district that I would kill the first man who shot at me. One man tried it; I had to make good my word—had to do it or he would have killed me with another shot. Ever since then, I have had very little trouble. The moonshiners know I mean business, so they don't try to fight when I go after 'em. That one case saved ten lives, I reckon, of men I would have had to kill—if they hadn't got me first. It doesn't pay to bluff."

This agent carries a .45 calibre revolver which he can use with deadly accuracy. Once, while in the woods with a companion, he saw a squirrel in a near-by tree.

"I'm going to shoot him," the agent announced, "in the head."

He fired, and the squirrel fell to the ground. They picked it up. It was shot in the head.

"Most men in these mountains shoot that way," he calmly told his companion. "It comes natural."

CHAPTER III

HAZARDS OF THE MOONSHINE CHASE

THE desk before me as I write is orderly confusion. To the right, to the left, and in front of me are papers. There are reports—scores of them—culled from files telling of men who risk their lives to enforce the law. From this wealth of material it is a difficult task to select the instances I desire to present as typical of the prohibition agent's work in eliminating moonshine and the still.

Inevitably, as I read the reports, there come to mind two pictures. They have come to me often; before my mind's eye, they have risen again and again, clear-cut and vivid, as if on canvas suddenly illuminated in a darkened room.

One picture shows a section of a great city's night life. There are men and women on the canvas, smartly clad and gay. Sometimes the light in which they move is tinted by the softening shades of the fashionable drawing room; sometimes it is the white glare of a bohemian restaurant. The living figures make merry far into the night. The colour deepens on milady's cheek; the voice of her escort grows thick.

What are they saying as the pocket flasks run low?

"Prohibition is a joke." . . . "It can never be enforced." . . . "It's dead easy to get all you want." . . . "They can never make this city dry." . . . "Popular opinion's against the law."

And so the conversation goes. The Eighteenth Amendment means nothing to them (although it is warp and woof of the legal fabric which gives them all their rights) except a hindrance to the gratification of appetite and an opportunity to show their cleverness in evading it.

The other picture——

It is night. The moon shines down on a lonely road that winds from hills to sleeping city. From far down the roadway comes the growing roar of an unmuffled motor. An automobile whirls into view, flashes past, and is gone. The bootlegger and his fellow criminals are on their way. Another roar—the enforcement officers are in pursuit. Presently, the bark of a rifle; then, pistol shots. There are dead, dying, or wounded.

Or, again, the picture shows the stealthy march of men through woodland to a still. We see the moonshiners at their sordid task. There is a raid, a fight. Shots fly. Men fall.

What does the Eighteenth Amendment mean to those who trail the outlaw at his whirlwind speed or beard him in his den? Do those men believe "prohibition is a joke"? Do they think "the law can never be enforced"?

The dwindling few of America who see but the first picture should look at the second. To the small minority who boast of law evasion I commend the thought that America's conscience, power, majesty, and might are the forces now engaged, with growing success, in upholding the principles of her basic law; and the further thought that America has never yet set her hand to a task to leave it unfinished.

Men of the prohibition enforcement service engaged in the apprehension of moonshiners are, for the most part, fearless. Many have looked, at various times, down both ends of a revolver. Bravery is counted among prime

requisites in selecting men for these difficult and dangerous posts. Dignity is another one of the essentials; the man who fills the office must be neither braggart nor bully. A third requisite is that the agent personally shall be in sympathy with the aim and intent of the law he enforces.

How far will these picked men go in performance of their duty? To the place where there is no farther way to go. For instance:

Three prohibition agents set out to find a hidden still. They worked at night, tramping many miles through woods and fields. Finally, in the faint impression of wagon tracks on the baked clay of an open field, they obtained a clue.

They followed the tracks. Sometimes the outline was so faint as to be almost imperceptible. But they hung on. On the second night they came to a windlass disconnected beside a hole in the ground. There they stopped and waited.

Presently they heard muffled sounds of human voices coming from the ground beneath them. Apparently the moonshiners were at work in the hole. The agents looked around for the dump to which the moonshiners had carted the earth they dug up, but there was no dump. Either the earth had been carted far, or the hole was the opening of a natural cavern.

It proved to be the latter. The oldest agent turned the beam of his flashlight into the opening but the bottom was so far beneath that the light spent its force before reaching it. He shouted into the opening.

"What are you doing down there?"

There was no answer. He shouted again without effect. Using his flashlight he found what he had overlooked before—a ladder whose end reached to within a short distance of the surface.

"You fellows stay here," he told his companions. "I'm going down and get 'em."

They demurred. Finally he compromised by taking one of the men down (himself leading the way) and leaving the other on the surface to await developments and, if necessary, to summon help.

They let themselves down on the wet rungs. The ladder itself stood bolt upright so firmly set against its support of clay that hardly a toehold could be got on the mouldy cross-bars. The opening was so snug that at times the men were jacketed on all sides by clay. The second agent trod more than once in the darkness on the fingers of the first.

But of all these things they thought little. The odour of the still came to their nostrils and they knew they had run down their quarry.

When they reached the bottom they found themselves in a large cavern. The moonshiners, alarmed by the dropping of the earth brushed off by their unwelcome visitors, were awaiting them. As the agent's flashlights revealed them, they held up their hands, grinning sheepishly.

"Well, you got us," one of them said. "We don't aim to cause you no trouble."

They went up, peaceably enough, one at a time to the waiting agent above who tied their hands as they gained the surface. The agents then explored the cavern and found the still, a quantity of spirits, and a store of supplies. The fire was going and the agents traced its smoke through twenty-six joints of stove pipe to an ingenious arrangement carrying it off through another opening in the ground near by. Incidentally, the moonshiners were burning hickory wood, which smokes but little.

After the three moonshiners had been sent to the sur-

face one of the agents followed and the other remained behind to destroy the still. In doing so he attempted to put out the fire, and thoughtlessly knocked apart the stove pipe. Immediately the cavern began to fill with smoke and noxious gases. The agent climbed up the ladder for his life and was almost unconscious when, with a last effort, he came within grasp of his companions at the top.

Underground stills are comparatively rare. One of the largest of which there is a record was found not long ago on the property of a Virginia farmer, a man of ample means and many acres, whose station in life was considerably above that of most moonshiners in town or country.

Prohibition agents had traced bottles used at his still to the home of a man in a near-by town and with that clue set out to see the farmer. Down a narrow wagon road leading from his front gate they found a dug-out, the entrance to which, barely large enough to admit a man, was screened by brush and the branches of trees.

Through this hole the agents entered an undergroud compartment approximately ninety feet long, fifteen feet wide, and eight feet high. All the moonshiner's usual paraphernalia was in evidence. The agents counted thirteen stills each of fifty gallons capacity, upwards of fifty fermenting barrels, eight five-gallon glass bottles, and numerous implements in common use at such establishments. The dug-out also contained about twenty-five gallons of moonshine whiskey, still warm. The stills were neatly arranged, side by side, against the earth bank, leaving ample space for passage and work. A single "worm," more than one hundred feet in length, sufficed for distilling the joint effort of the thirteen stills, and a steam boiler of 200 horse-power served to operate all.

The place was unoccupied at the time, and one of the agents was sent back to town to obtain a search warrant

while the others continued their examination. They traced the smokestack of the boiler in the dug-out several hundred feet to the hollow stump of a tree. A passer-by noting the smoke, naturally would assume that the stump had been set on fire and was smouldering.

The farmer had covered the dug-out with heavy boards which were supported by timbers such as are used in coal mines. After boarding the place over, he had covered the boards with earth to the level of the surrounding field. Except for a mound where had been dumped the large quantity of earth removed, the surface of the field was level. One could walk across the earth scattered on top of the boards without detecting the dug-out.

While waiting for the return of the agent sent back to town, the other agents went a short distance down another roadway on the same premises and in a bit of woodland found two more stills, located on the surface of the ground. These stills were of 500-gallon capacity each, and were operated by a steam boiler. No one else was on the scene.

Not far from these mammoth stills, the agents found another moonshining establishment with one still of 500-gallon capacity and a steam boiler. At the three stills they found 6,800 gallons of mash. There were about 700 gallons more in the dug-out, making the total find approximately 7,500 gallons.

Upon the return of their companion with a search warrant the agents arrested the farmer, searched his clothing and house, and found other damaging evidence of his illegal activities. Several alleged accomplices were arrested and all were held under bond to answer charges of conspiracy as well as violation of the enforcement law.

Stills are found in all sorts of out-of-the-way places. Recently in the city of Omaha prohibition agents found a still in a sub-cellar reached by a 65-foot tunnel.

The opening was concealed in a barn on the premises. The ceiling of the sub-cellar was the floor of the basement of the dwelling and was constructed of reinforced concrete five inches thick and without opening or vent. The sub-cellar and tunnel were cemented.

In Colorado a still was found in a cave whose entrance was concealed by heavy brush. Buried under the brush in shallow graves there were the bodies of many animals. Apparently the moonshiners had counted upon the stench of decomposing flesh to counteract the heavy fumes of mash and whiskey.

An old church building in Iowa was desecrated by moonshiners who constructed a $50,000 plant beneath its roof. One man built a showy bungalow in a fashionable suburb of a large Ohio city to house his still. In several cities stills have been found in the city or county jail. At a still near Meridian, Miss., the mash was found in a horse stall buried in the ground and covered by a trap-door over which manure was spread.

From this source comes the "genuine smuggled whiskey" peddled to the credulous by bootleggers wherever they ply their trade. To get this "whiskey" to their patrons these criminals do not hesitate to murder the enforcement agent who attempts to stop them.

A typical case occurred not long ago in South Carolina. A fearless government agent had incurred the enmity of the bootleggers and moonshiners. He learned that liquor was to be transported illegally that night in motor cars along a certain roadway, and lay in wait to catch the violators. As the bootlegger he sought whirled into view the agent jumped up and standing on the side of the road called upon him to halt.

The criminal at the wheel turned his speeding machine upon the agent and ran him down. The bootlegger then

attempted to speed up still more but the agent's helpless body, caught under the axle, acted as a brake. Without pity, mercy, or human feeling for his victim, the bootlegger ran his car 700 yards—almost a half a mile—with the bruised and battered man dragging the ground underneath. Finally, when the car was slowed down to normal speed and it appeared that there was no longer life in the senseless form, the bootlegger stopped, jumped out, extricated the body and attempted to flee. But He who sees the sparrow fall had seen this, too; and the heartless criminal was caught and jailed.

Marvellous though it seems, that agent lived. He is paralyzed, a cripple for life. His plight is rendered doubly sad by the fact that he has a large family of dependents and virtually no means for their support. Prohibition agents do not receive large salaries.

In Kentucky a local police officer went out one night with a prohibition agent to arrest moonshiners and bootleggers who were in the habit of transporting their illicit wares along a certain highway. They took along two deputy sheriffs. After waiting a short time they saw their men approaching. Two of the criminals were in a wagon with kegs containing their products. Two others, on horseback, rode a few feet behind.

The men in the wagon threw up their hands upon command. One of the horseback riders, a mere boy, shot the policeman down. Thereupon a general fusillade opened. Three of the four criminals made the agent their target, and he, returning the fire, shot the boy off his horse. The prohibition agent was shot through the stomach, through the lungs, in the shoulder, and in the arm.

Notwithstanding his wounds, the agent lifted his wounded companion and crawled with him about 100 yards off the roadway. There he waited till help came.

In the course of time both the agent and the policeman began to mend. The latter was hobbling about on crutches weeks later when one of the outlaws saw him in the street, opened fire, and shot him again. As this is written the policeman is fighting for his life. The outlaws were all captured.

Two Southern agents sent into Arkansas to rid a county of its long-standing plague of moonshiners, found the entire community terrorized by the numerous members of a single family whose progenitors had been pioneers half a century before. The county was sparsely settled and the mandate of its reigning family settled virtually all affairs. Moonshining, train robbery, and murder flourished.

A stranger coming to the community had to satisfy the members of this family and their connections and allies that his mission was not interference with their lawless activities. Also he had to win their approval. If he failed he had the alternative of going away voluntarily or being hauled away in a pine box. Men who disregarded the warning mysteriously disappeared; others were found dead of bullet wounds on lonely roads or in other out-of-the-way places.

Into this lair of kith-and-kin criminals went the two agents. They stayed at the home of a sawmill operator. This man conducted his business with the aid of his son, and his mill gave employment from time to time to such of the outlaws as cared to work. Largely on that account his presence was tolerated by them.

The agents posed as scouts for a big development company seeking mineral rights. In that supposed capacity they explored the country to some extent, but were unable to approach the carefully hidden stills. The names they assumed disarmed suspicion somewhat, for by coincidence

one of the names happened to be that of the original pioneer. Some of the outlaws sought to establish kinship with this agent, and with his aid succeeded, to their own satisfaction, in doing so.

One night a party of the outlaws, the two agents, the sawmill proprietor, and his son went coon hunting. As they walked through the woods they were startled by the fall of a rotting tree near by. The older agent put his hand on his pistol; he thought the report was a pistol shot. The sawmill proprietor, seeing the movement, smiled and presently whispered to him:

"There's a still just a short distance away from where that tree fell," he said.

That was all the agent needed. He noted the locality carefully, told the outlaws he was "going lame" and had enough of the hunt, and went home. As the affair was given in his honour, the party then dispersed. An hour later the agents had settled their account with the sawmill owner and were quietly doubling back to the still.

They had not gone far before it began to rain. It was November and quite cold but they kept on. After hours of tramping they lost their way and lay down, drenched and miserable, to sleep on the bare ground.

The next morning a heavy fog lay over the woods. The agents walked all day and ate the last of their scanty food supply. At sunset the weather cleared. At midnight, they found the still.

In the light of the full moon they lay down to await daylight and with it the appearence of the men who would come to operate the still. Not long after daybreak the first of the moonshiners appeared. His appearance was quickly followed by that of a second moonshiner, a third and a fourth. Then the agents, with drawn revolvers, raided the still, and captured the astounded moonshiners.

They waited a time, destroyed the still, which was one of the largest found in that section, and with their prisoners went out to the road to strike back to the county seat. They had not been long on the march before the hills and valleys began to disgorge moonshiners, all armed. None of the armed men made any pretense of offering to fight; apparently they came to see what was going on, but the agents, taking no chances, disarmed them one by one. After the cartridges has been extricated, the prisoners were given the weapons to carry. Later the weapons were loaded on a wagon and returned from the county seat.

After the agents had turned their prisoners over to the proper authorities at the county seat they went home. Up to that point their work had differed little from the routine of the moonshine raider. The big development came later.

Within less than two months father and son of the sawmill firm, two of the Government's chief witnesses, were met one night by a dozen or more criminals on a deserted roadway, and riddled with bullets. The local authorities showed no inclination to apprehend the murderers, so the two federal agents were ordered back to the county with instructions to find and arrest everyone connected with the killing.

Their job this time was man's size. Local feeling ran high against them, and there is little doubt that they would have met a fate similar to that of the sawmill owner and his son had the outlaws been given the opportunity to murder.

The agents went to Little Rock and there took train, not for the scene of their recent raid, but for the county seat of the adjoining county. The sheriff, to whom they explained in confidence their mission, took them in his

surrey to the county line in the foothills. There they got out, laden with blankets and food, to make their way on foot through the mountains to the community they had so lately left. As they told the sheriff good-by he shook hands with them fervently, wished them good luck and solemnly expressed the hope that they would come out alive.

"It's a bad job, fellows," he said. "But I hope you make it." His manner clearly indicated that he was reasonably certain they wouldn't.

For forty-eight hours the agents travelled by night and slept by day. They remained in the woods, disclosing their presence to no one. The third night brought a chill, driving rain that struck to their very marrow. For several hours they wandered about aimlessly, cold, wretched, and greatly discouraged.

"Well," the older agent finally announced, "I'm going into the first house I see. I'm not a quitter but I've got enough of this sort of weather for to-night."

After another hour or so of walking they saw a light in the distance. As they came closer they heard the sound of voices. A man, a woman, and a boy were making frequent trips from the house to a small outhouse. The odour of moonshining came to the agents' nostrils.

They made their way quietly to the house and surprised the man and the boy, who surrendered without fight. Then the agents destroyed the still and went inside to spend the night. The moonshiners recognized the agents at once, but appeared quite friendly and discussed with them the subject uppermost in all their minds—the killing of the sawmill owner and his son.

During the conversation the boy made frequent trips to the door, coughing violently each time and complaining of illness,

The agents tried to learn from their prisoners something of the community secret. There was no doubt in the agents' minds that the family knew the whole story. The man and the boy, however, stolidly refused to reveal anything as to the identity of the actors in the plot.

Presently, when the man and the boy were in the other room—the house had two rooms—the older agent turned to the woman.

"They did a bad thing in killing that poor fellow and his boy," he said. "They didn't know anything about my partner and me. They didn't know what we were down here for. They were the best friends you people here had."

The woman jumped excitedly to her feet.

"I knew it, I knew it!" she exclaimed. "That's what I told 'em all—Pat and Bud and all the rest of 'em!"

She talked fast and in her excitement unloosed half a dozen names or more, directly connecting with the murder each man she named. The agents professed only casual interest in the crime, however, telling her that their business was to destroy stills. They supposed that the sheriff would get the murderers.

With the artifice and skill that seem to come natural to the good detective, they got her story. Within an hour they had the names of all the participants in the plot and a fairly accurate description of the manner in which the crime had been committed. The agents then went to bed, taking the boy with them.

During the night, his coughing fits grew worse and he made more frequent trips to the door. Presently he stood on the threshold, made a flying leap into the darkness, and was gone.

They knew what that meant. He had gone to spread the alarm; there would be trouble brewing in the morning.

They had breakfast before daylight. They wanted to be on their way with the remaining prisoner before the mountainside was after them. As they stepped out of the door at dawn, however, the first of the moonshine tribe rode up, rifle in hand.

"Hands up!" commanded one of the agents, covering him with his revolver. The move was so quick that the mountaineer was taken utterly by surprise. He was disarmed.

They came from all around by ones and twos, thereafter. The veteran agent takes no unnecessary chances, so as the men appeared the agents felt called upon to disarm them. The weight of the outlaws' weapons became almost too heavy for agents and prisoner before they obtained a wagon and drove away.

But the hardest part of their work was done. They had learned the identity of most of the murderers. Thereafter they worked openly, going here, there, and yonder in search of their men. Only once did they have occasion to shoot and then, unhappily, it had to be done. A single shot stretched the outlaw his length on the ground, dead. Thereafter the men they sought showed no fight.

At the end of about ten days the agents came out of the mountains with fourteen prisoners, each of whom was charged with murder. And moonshining there has stopped.

CHAPTER IV

BARTERING FOR THE AGENT'S HONOUR

FEW men in any line or calling are subject to the temptations which beset the prohibition-enforcement agent at almost every turn. The powers of evil arrayed against him exhaust human ingenuity in building traps and pitfalls to check his progress, corrupt him, and discredit him in the eyes of the courts and the public.

A part of the liquor industry has endeavoured earnestly at all times, both before prohibition and after, to obey the law. Another branch of the industry, illegally organized and playing a crooked game for tremendous stakes, counts only as a small part of the cost the millions it is ever ready to put into pockets of prohibition agents who will listen to its allurement. Having practised for generations the wiles of bribery, debauchery, and corruption, it is past master in their application. Prior to the advent of national prohibition, it was long engaged in open and brazen defiance of local laws; it now applies nationally the local ways it has learned so well, seeking with ill-gotten dollars to prolong for a little time a sinister existence whose doom the law has surely sounded.

There appears to be no limit to the size of the bribe it is willing to offer—and pay. Millions of dollars added to other millions are strewn carelessly across the pathway of those engaged in law enforcement. All or anything that human fancy can devise or desire is offered unhes-

itatingly. The reverberating chorus of corrupt dollars sounds day and night in the ears of all classes of employees of the enforcement unit, from the highest officials down to the humblest clerk.

It would be strange, indeed, if there were not among the thousands of persons engaged in enforcement work a few weaklings, here and there, whose powers of resistance have failed in the face of such temptation. There have been cases of crookedness in the ranks of the enforcement force, but such cases, happily, have been of dwarfed proportions when compared with the unfailing integrity of the great majority of the workers.

In numerous instances the briber has been caught red-handed in the performance of his work. When the briber seeks to entrap the prohibition agent, more often than not the prohibition agent succeeds in trapping the briber, confiscating the bribe, and placing against him a second charge of law-breaking that carries with it heavy penalty upon conviction.

The largest bribe of which there is a record in the enforcement unit was a weekly retainer aggregating in the maximum $300,000, offered a prohibition agent by a group of brewers who had conspired to resume the manufacture of pre-war beer on a mammoth scale and flood the states of Pennsylvania, Ohio, West Virginia, New York, and New Jersey with their product. These brewers sought to buy not the active approval of the prohibition agent, but merely his promise to "look the other way" while they proceeded with their illegal scheme.

The retainer was to run for so long as the agent continued to "look the other way." In less than a month it would have topped the million-dollar mark. Had the conspirators been able to prolong their contemplated activities for a year—an obvious impossibility—their bribery

payments would have accumulated to the amount of nearly $16,000,000.

This group of conspirators had pooled efforts in the attempt to resume the manufacture of beer containing a prohibited percentage of alcohol. The original syndicate consisted of representatives of from six to nine breweries, but within two weeks the number had increased to fifteen and active plans were under way to recruit the ranks to fifty. A second group, intensely jealous and suspicious of the first, also had been formed on a smaller scale and was daily bidding for the enforcement agent's favour.

It was the plan of the first group to market its product in Eastern cities, at a net price of $23.50 per barrel. Out of that they offered to pay the prohibition agent from $5 to $10 per barrel manufactured and marketed, according to hazard. He was to "take care of" his "partners" in corruption. In addition, the brewers said they were to pay $2 per barrel for local "protection," to be expended as necessary in their respective communities.

Under this arrangement, slightly more than half of the net receipts would have been paid out in bribes, the brewers contenting themselves with $11.50 per barrel of their illicit product and paying into the corruption fund a total of $12 per barrel. Operations were to start on a scale of 30,000 barrels a week and were to be increased as additional breweries fell in line with the conspiracy. The initial payment to the corruption fund, it will be seen, was to have been $360,000 a week, and of this sum the national prohibition agent in charge of the work in the district was to receive $300,000 for himself and his "partners."

The conspiracy was thwarted by a clever agent who pretended to fall in line with the brewers' offer. He negotiated with them for more than a month, gained their

confidence, obtained prima facie evidence of their plans, learned the hiding places of thousands of dollars' worth of their stock—later confiscated—and, after seizing many truckloads of newly manufactured pre-war beer, placed the whole situation in the hands of the proper prosecuting authorities who now are dealing with the case.

The month's work in building the case against this group of conspirators is one of the most fascinating chapters ever written into the history of prohibition enforcement.

It opened in the lobby of the Pennsylvania Hotel in New York City where a prohibition agent attached to the New York office was hailed by a casual acquaintance of several years' standing, formerly identified with the brewing interests of another near-by state.

"What are you doing with yourself these days?" asked the acquaintance.

"Same old thing," the agent replied, "prohibition."

The acquaintance suggested guardedly that the agent would do well to transfer his activities to his home city, where there was "a lot of money to be made." After some preliminaries, the agent agreed to meet him several days later and talk over the possibilities. The agent then reported the conversation to his superiors at New York and was detailed to work on the case.

A few days later the agent went to the appointed city and was met by the man who had hailed him, together with a few representatives of certain breweries. They went to a hotel and in the privacy of the agent's room began the preliminary negotiations. The bootleggers represented their willingness to "do business" with the agent if he were "all right." In the parlance of the bootlegger, "all right" means "all wrong."

They told him that they had been "doing business"

with the "other man," meaning some mythical individual attached to that office of the enforcement unit. When the agent, with becoming hesitation, appeared to waver, one of the group pointed to the badge upon the agent's vest, and said,

"Why should you hesitate to do business with us? Your badge is nothing but a license to make money."

The agent led his callers to further detail by apparently attempting to discourage them. He told them that the risk was very great; that new men from prohibition headquarters were constantly dropping into the city and nosing around to check up on conditions; that even if he should fall in with their plans the news of his alliance would soon become generally known and that his usefulness to them would thereby be ended abruptly; also, that he had a good job and could hardly take the chance unless the reward offered him were much greater than he thought it would be.

These discouragements, as intended, merely whetted the bootleggers' purpose. They painted a rosy picture of the great "profits" to be made in even a few weeks by "doing business"; they swore to the utmost secrecy; they boasted of having the strongest of political "pulls" and "influences"; they minimized the danger of detection and promised sacredly to extend him every legal protection their millions could procure in the remote event of his apprehension.

He told them he would think it over—and reported at once to his superiors, asking for assistance. A confidential enforcement worker was sent him as his "partner," another operative of proved integrity was detailed as his chauffeur, and such other assistance as he desired was immediately forthcoming.

For several days thereafter, the bootleggers were con-

stant callers at the agent's hotel. His "partner" was introduced as a man who was "all right," and the bootleggers redoubled their efforts at bribery. Meantime the agent continued to "think it over."

"Maybe you think we haven't got the money," one of the group suggested several days after preliminary negotiations had been opened. "Let's have a little party and talk it over."

The "little party" was a three-day affair. It included sessions in Pittsburgh, New York, Philadelphia, and Atlantic City. During the three days the bootleggers flashed thousand-dollar bills—called "grands," in their nomenclature—in bewildering profusion. They stayed at the best hotels, bought the finest foods and wines, hired the most expensive automobiles, and sat in the best seats at the theatres. They would have stuffed the agent's pockets then with thousand-dollar bills had he permitted it.

When the "party" ended, the agent apparently was convinced that the bootleggers were financially able to make good their offer. He no longer raised obstacles in the way of the conspiracy. On the representation that he had been called to New York, he left the city to make a full report to his superiors. They were enthusiastic with the reports of his progress and to assist him still further in the work, placed him in a position of added responsibility, and assigned him additional confidential workers.

When the bootleggers learned of the promotion, they were hilarious.

"We are lining up a lot of breweries," they told him. "They're coming in fast; soon we'll be ready to open up."

A day or so after the agent's return one of the chief conspirators called upon him at the hotel. The visit was

made in the early evening and the agent and his "partner" received the caller in their room.

He came in alone with a great bundle wrapped in a newspaper under his arm, sat down, and put the bundle on a table at his right.

"We want to open up to-morrow," he announced.

"No," replied the agent. "You musn't do it."

The caller extended his hand and slowly unwrapped the bundle on the table. It contained currency—hundreds of bills, ranging in denomination from five dollars to one hundred dollars. Deliberately he arranged them in orderly little piles.

"This," he said, "is a little collection I've taken up from some of the breweries. It isn't all; just a starter. It's yours."

The agent glanced carelessly at the money.

"My partner will take care of it," he said. "He handles that part of the business."

"And now," asked the caller, "can we open up to-morrow?"

"Not yet," the agent replied. It's not safe."

After the briber had departed, somewhat crestfallen, the money was counted and turned over to the proper authorities. The total was $14,000.

In less than twenty-four hours after the bribe had been offered and apparently accepted word had been spread throughout bootlegging circles of the state that the new prohibition agent was "all right" and a man with whom "business" could be done safely. The tip was circulated openly throughout the city that the "lid" would be lifted in a few days, and orders to the breweries for pre-war beer poured in by the hundreds and thousands of dollars.

Also the attitude of the bootleggers tendering the bribe changed abruptly. They no longer were servile and flat-

tering. They no longer sought, by subtle blandishment, to court the agent's favour. Where, but the day before, they had begged, they now gave orders, commissioning the agent brusquely to perform this, that, or the other impossible assignment to further their unlawful project.

The offices of the agent hummed with new and sinister activity. Bootleggers flocked there by the dozen. They waited for hours in the ante-rooms. They formed in line to offer bribes, to whisper wild and fanciful proposals. The whole underworld knew that the prohibition agent had been bought and paid for—at least in part—and the story of his price was magnified a hundred times in the telling.

All this, of course, was entirely in keeping with the bootleggers' code and in direct violation of their sworn promises of secrecy. For there is no such thing as an honest bootlegger; noun and adjective of that phrase are at unending war. One might speak as meaningly of a semi-virtuous woman. The bootlegger's trade-mark is the double cross.

Knowledge of the supposed bribe became so general that the agent feigned great indignation and protested vigorously, but to little avail, against the openness of the secret. Indeed, on one occasion he was approached by an employee of the local enforcement office—a man actually working under the agent's orders—who demanded a share in the "profits." This employee previously had been introduced to the agent, early in his stay, by one of the bootlegging gang as an agent who was "all right."

For a time the agent succeeded in putting off the demands of the crooked employee, but these waxed so insistent after a day or so that the agent became fearful the whole case would be spoiled. Accordingly, he pretended compliance with the employee's demands and handed him $3,500 in marked bills.

When the employee had accepted this money he was immediately arrested. The money was recovered, and the employee hustled away from the scene. He was dismissed at once from the force and kept away from that locality until the culmination of the conspiracy and the apprehension of the conspirators were accomplished.

And still, while the bootleggers fumed and fretted, the agent would not give the word to "open up." Apparently the bootleggers then conceived the idea that the first payment of $14,000 had not been large enough. They changed their tactics somewhat, became more conciliatory, sent him valuable presents, among them a fur overcoat costing several hundred dollars, and again began to play the courtier.

Late one afternoon one of the leaders of the bootlegging group met the agent in a hotel lobby.

"To-morrow's a holiday," the bootlegger said. "I suppose you're going out of town for the day."

"Why, yes," the agent replied, "I had thought of doing so."

"Well," said the bootlegger, withdrawing his hand from his trousers pocket and extending it to the agent as if to offer him a coin, "take this and buy yourself a couple of cigars."

The agent took the proffered gift and examined it. It was a thousand-dollar bank note.

"All right," he said. And put the money in his pocket.

On another occasion a representative of the second, and rival, group of bootleggers telephoned to the agent in his hotel room and invited him to come down into the lobby. The agent came down as requested and the bootlegger with a show of mystery piloted him to the sidewalk. They stopped at the door of a new automobile parked at the curb, to which the bootlegger guided him.

"She's yours," the bootlegger announced, apparently with much self-satisfaction. "We knew you had a government car, but we thought maybe you'd like to have one of your own as well."

The agent concealed his surprise and surveyed the new gift critically. He walked around to the front, and then to the back, saying no word. As he did so, the smile on the bootlegger's face faded.

"Oh, I know it isn't the best that is," the bootlegger said presently. "We thought you'd rather have a little car at first, you know. It wouldn't do for you to blossom out in a Rolls-Royce right away—get you too much attention. But you can have a better one if you want it."

"It's all right," the agent said finally, much to the bootlegger's relief. The agent's chauffeur drove the car away and it was turned over to the Government.

All this time the agent was in daily contact with his superior officers in New York and the New York office was reporting regularly to Washington. Throughout the proceedings, there was never a day when both New York and Washington officials of the prohibition unit were not fully advised as to the progress of the case and doing all they could to help the agent in his delicate work.

The bootleggers became more insistent that they be allowed to open up. It was with the greatest difficulty that the agent prevented a premature dénouement of the drama in which he was enacting a leading rôle. As time passed, however, the group of bootleggers increased; and as it seemed desirable to entrap the whole wretched business with all its participants, rather than a fraction, the agent sought by every pretext he could devise to delay the finale until it seemed reasonably certain that the bag was full.

In these dilatory tactics the agent was constantly pressed for new excuses for delay. One day he was fearful

that new men had been sent into the city by the Washington office. The next day he had been summoned to New York, leaving word that under no circumstances was anything to be done during his absence. Finally, he adopted a master stroke.

"You'd better show me," he suggested, "where you've hid the stuff. I mean the stuff you've accumulated while we've been waiting. I ought to know where it is so I'll know the places to keep my men away from."

This suggestion appealed to the bootleggers as a wise precaution. The following morning they called for the agent with an automobile and took him on a tour of the city and its environs, pointing out numerous places where their liquor was hidden. The agent openly made notes of these locations, explaining that he wanted the list so that his men would not disturb them.

The bootleggers had shown much ingenuity in the selection of their caches. An icehouse held a varied consignment of liquors, and a stable contained whiskey and other contraband valued at many thousands of dollars. All this hidden liquor was seized and confiscated at the culmination of the conspiracy to which the unsuspecting bootleggers were moving so rapidly.

Finally, there came a day when the agent could no longer postpone the manufacture of the illicit product. By early afternoon he knew that the breweries in the conspiracy, then numbering fifteen, were nearly all determined to start illegal operations the following day.

When it became certain that the bootleggers would wait no longer, the agent communicated with New York and asked for the dispatch of every available man to his assistance. These were rushed to him—about forty in all—by the first train.

That night, while the squad of special agents was well

on the way, the leader of the bootleggers came again to the agent's room, another bundle, wrapped in newspaper like the first, under his arm. The agent and his "partner" received him.

"Here is another collection from the breweries—a little one," the bootlegger said. The agent's "partner" took the money and counted it. It totaled $10,000, making $25,000 in all (including the thousand-dollar bill for cigars) that this group had given the agent.

"And now," said the bootlegger, "we're going to open up in the morning and we won't take 'no' for an answer."

The agent spoke up quickly.

"You don't see anything to stop you, do you?" he asked.

"Then we open up at once," the bootlegger answered. 'To-morrow morning we'll be in full swing."

And he left at once to tell his confederates.

That night the underworld rejoiced. A damp and fetid night it was, with the warm earth sodden in the mists of lingering Indian summer, with heavy low-lying clouds scraping the housetops and blotting out the waning light of the late-rising moon. A dreary, dismal night, hung on the edge of the calendar where approaching winter touches the garments of departing autumn. But a fine and dandy night for the bootlegger to ply his sordid trade.

Over the cobbles of a dozen streets, great lumbering trucks plied their unwonted way to the bark breweries wherein the forbidden work had started. Within the sombre walls of those great buildings, there was new and feverish activity. Depleted working forces waxed fat with men familiar with their task. The zero hour had come.

Coming fast, too, as fast as the fastest train could bring them, were the forces of the law. The special agents reached the sleeping city while the work within the breweries was at its height.

They were told off, by fours and sixes, assigned in squads to the various breweries concerned with the conspiracy. Down to the last trivial detail the entire plan of action had been mapped out. Nothing had been overlooked, nothing neglected.

At 6 o'clock in the morning, almost simultaneously, the great gates of the breweries swung open. Lookouts peered cautiously into the dark streets. The special agents, under cover, gave no sign of their presence.

Trucks loaded high with barrelled beer lumbered out of the gates. In a flash the special men were upon them. The drivers, wholly surprised, were quickly overpowered. Nowhere was there even a pretense of resistance. The jaws of the law had closed.

In a room of a downtown hotel a telephone rang. The agent who had been bought and paid for answered.

"Come down, come down," shouted a frantic voice.

"What's the matter?"

"There's h—l broke loose. I paid you, too. Come down—right away."

The agent yawned.

"No," he said, "I got to go to my office."

And he hung the receiver up. His work was done.

Weeks later, long after the agent had left the scene of this action, a friend approached him.

"I'm sorry, old man," the friend said, "but that whole gang is after you."

The agent whistled.

"Yes," said the friend, "they've put you on the red list."

The "red list" contains only the names of those whom the bootleggers have marked for death.

CHAPTER V

THE ALLUREMENTS OF DISHONESTY

THE illegal liquor interests, naturally enough, have resorted to every stratagem to secure appointments for their representatives on the prohibition force. Their persistence has been equalled only by their ingenuity. Their candidates have bombarded officials with futile recommendations; they have applied political pressure and, in one reported instance, offered a liberal reward to get one man on the force. Vigilant as the Government has been, no doubt those interests have not been entirely unsuccessful.

The intent of these interests, of course, is transparent. A job on the prohibition force, to their mind, is but a quick and easy road to ill-gotten riches; a bootlegger's representative in the inner circle could coöperate with his confederates in their illicit undertakings with full knowledge of pitfalls which beset them. Among these interests the idea persists that any one employed by the prohibition unit can turn the spigot of illicit liquor on or off at will. As a matter of fact, no one employee could help them much under the system of checks and balances now in operation; but a few unfortunate instances of dishonesty on the part of prohibition employees have been so magnified and distorted that the bootlegger regards even the humblest clerk in our offices as holding the power to divert liquor at any time to unlawful purposes.

Because of this belief, presumably, bribes have been

offered frequently to prohibition workers. One of the state directors recently estimated that within a given month's time he could have accumulated at least $1,000,000 in bribes. This case might be termed higher than the average for temptation.

After failing to get his representative a job on the force, the bootlegger's next move is to feel his way among the personnel of the enforcement force until he finds an employee who, in his judgment, will "do business," and then proceed to open bribery negotiations.

A Middle Western distiller, for instance, not long ago came to a field worker with the suggestion that he (the distiller) would pay handsomely for the privilege of "robbing" his own warehouse undisturbed. He had many thousand cases of liquor on hand, he explained, and these he could dipose of only at comparatively small profit for non-beverage use. If allowed to divert the liquor to bootleggers, he naïvely pointed out, profits would be so much greater that a handsome "commission" could be paid on the business.

Such close check had been kept on withdrawals from the distillery, however, that the distiller had found it impossible to divert the liquor to illicit channels. He had sounded the officers at the distillery but they either were "too honest," he said, or were afraid of being detected by investigators. What he wanted, therefore, was a "business understanding" with some one in authority.

"We'll draw up a written contract," he suggested. "Then there won't be any misunderstanding about what you do or what you get."

The government agent to whom this suggestion was made pointed out that such a contract would not only be invalid, as it could not be enforced, but would be damaging evidence in case of detection. This point pleased

the distiller greatly. He seemed to regard it as reassuring proof that the agent was a wise and careful worker, willing to take a chance only if the odds against him were not too great.

The distiller insisted, however, on dealing directly with the state director. That official declined to meet the distiller but delegated a confidential representative to negotiate with him and secure needed evidence, if possible. In carrying on negotiations the distiller came repeatedly to the director's office, always meeting, however, with the director's representative and not with the director himself.

His opening offer was a bonus of $50,000 and a "commission" of $10 a case on 5,000 cases. After 5,000 cases were withdrawn, he said, he would pay another $50,000 and begin again with the "commission" arrangement for the next 5,000 cases.

"For every 5,000 cases," he proposed, "there'll be a $50,000 bonus besides the commission of $10 a case."

The director disapproved the bonus offer, but instructed the agent to follow through on the proposal of $10 a case "commission." However, the distiller still insisted upon seeing the director. He called repeatedly at the office, but the director refused to open personal negotiations. On one occasion the distiller called on Saturday morning and, exhibiting a $50,000 check, announced that he had come to the end of the rope—that he would give the director only two hours, or until the banks closed at noon, to decide whether to make $50,000 or not.

The distiller waited till noon in an ante-room, and then went away dejectedly. Over Sunday he recovered from his depression and early the following Monday morning called the confidential worker on the telephone.

"I'm giving you one more chance," he said. "I want

to see Blank & Company's file. I'll be around in fifteen minutes and it will be worth $500 to you to show me the file."

The distiller had become a daily nuisance by that time and it was decided to end the negotiations. With the director's approval the confidential worker obtained Blank & Company's file and took it to the distiller, who was waiting with another confidential agent in a small room at the end of the hallway.

"Here you are," said the agent, throwing the file on the table.

"Sure, sure," replied the distiller, thrusting a hand into his trousers pocket. "And here you are."

He handed the agent a roll of bills. The roll amounted to $300, or $200 less than the sum promised—a fairly typical illustration of the regard a briber has for his own word.

Suddenly the file was jerked abruptly away and the agent pressed a revolver against his tempter.

"Give me back that file, you crook," the agent shouted. The distiller was astounded.

"But I've just paid you to look at it," he complained. And then, glancing down, he saw the agent's revolver, pressed hard against him.

"Take that thing away," he commanded with a grimace. "It might go off."

The distiller was dumfounded when told that he was under arrest. He offered no resistance but simply could not understand what had happened. They led him away to answer a charge of bribery.

The would-be briber almost begs for punishment. Generally, he is the most credulous of criminals and sometimes his lack of judgment is almost unbelievable. A vivid illustration of this tendency was obtained in operations at

another city of the agent who had developed the case described in the preceding chapter.

That agent had been approached by a crooked employee who wanted him to "do business" with bootleggers in that city. The agent was told, "this will be easy pickings," but pretended to doubt the statement, whereupon the employee promised to get him all the "grands" (thousand-dollar bills) he wanted.

"I'll send you a sample of what you can get when I go back home," the man said.

The next day the other agent received—by wire—a remittance of $1,000. This promising lead beckoned him to return when the former case was closed. At that time, however, the entire state was greatly agitated by the seizures that had been made and it seemed highly improbable that the illegal traffic, reeling from the body blow just received, would lower its guard and invite a repetition of the same punishment.

However, when the general agent arrived, the local employee, after upbraiding him for "what happened," asked him if he still was willing to "do business." Upon receiving a satisfactory reply, the worker immediately opened negotiations with the bootleggers.

Within forty-eight hours the bootleggers sent him $6,000, and with it a message that all he had to do was "to look the other way." The day after the bribe was received, the agent met the bootleggers.

"We're going to open up to-morrow," they told him.

"Are you?" he asked.

"Sure thing." And they did. Other agents were summoned to carry out seizure plans. The conspirators started operations as they had said they would and as each truck came onto the street, the driver was overpowered and the contents seized. The case against the bootleggers was

turned over to the Department of Justice and the crooked employee was summarily dealt with.

The general agent, incidentally, was besieged by bootleggers from other sectionss, all of whom wanted to buy protection. On one occasion he received in his office a group of them who, without preliminary of any sort, openly began bribery proposals. He jumped from his chair, to the astonishment of his callers, and nervously paced the floor.

"I can't stand it," he exclaimed, "I can't stand it. Think of what will happen to my wife when they catch me. It will kill her. My children, too. The disgrace—I'm going to end it all now."

He started on the run for the window, eight floors above the busy street. Like a flash his callers were upon him. They forced him back gently to his chair and while the leader tried to calm him the others withdrew to the corner for consultation.

"We can't crowd this fellow," the agent heard one of them mutter. "He's too much of a prima donna. We got to go slow with him; don't rush him and get him all excited and riled up."

Presently they left, promising to return the next day, and the agent, alone in his office, enjoyed a hearty laugh at his dramatics.

One of the employees of another big city was offered a bribe of $350,000 under circumstances that seem deserving of mention here. In that case, however, the bribery negotiations fell through because of the activity of other agents in the director's office (who were not acquainted with the bribery attempt) in raiding the bootleggers who had offered it.

A representative of these bootleggers, who appeared to be amply financed and with unusually strong political

connections, enlisted in his undertaking the assistance of a former employee of the force. The former employee communicated with the general agent and arranged a meeting with the bootleggers' representative.

The bootlegger announced at the meeting that he was very uneasy. He doubted the agent's sincerity and asked to be shown that he was "all right." If he could be convinced of that, he said, he would tell the agent how he could make a large sum of money without effort. The agent, known among the enforcement workers as being "hard-boiled," pretended that he was more fearful of the bootlegger than the bootlegger was of him. He added that he didn't know the bootlegger; that the bootlegger might be, for all he knew, a detective trying to trap him. He demanded proof of the bootlegger's sincerity and refused emphatically to enter into any arrangement until fully acquainted with the persons with whom he was to deal and convinced of their financial responsibility.

After some time spent in preliminaries the bootlegger, plainly wary, came to the point of his proposal. He and his associates, he said, had "control of" 35,000 cases of whiskey, held at a certain distillery. They were willing to pay $10 a case, or $350,000, to anyone who would assist them in effecting withdrawals.

To withdraw the whiskey from the distillery, the bootlegger said, a representative was needed in the prohibition director's office to interpret certain papers. The bootlegger said his associates were supplied with counterfeit withdrawal and other blanks but added that these could not be utilized successfully unless the papers to be intercepted—which were designed to check just such operations as the bootlegger proposed—were stopped at local prohibition headquarters.

The bootlegger referred to his associates as "the organ-

ization." He represented them as being large importers of liquor who received vast quantities of smuggled goods. He promised full "protection" from prosecution in the event of detection, adding that his associates were strongly intrenched with political and departmental influence which they had secured through heavy payments of money. As a part of the working plan, he said, the "organization" had placed its representatives in high office in the Department of Justice, the Bureau of Internal Revenue, and the Prohibition Unit itself, and these officials would safeguard the agent against prosecution.

"The Department of Justice," the bootlegger went on, "will void any effort to prosecute you if you are caught."

His associates he described as being two men owning the distillery at which the whiskey was held. They were represented to be men of great wealth, prominent in politics, of unusual influence and "never under suspicion."

The agent insisted on meeting the distillers, the representative of the Department of Justice (whom the bootlegger represented as being "all-powerful"), and whatever other fellow operators there might be so that he could be wholly satisfied that the men with whom he was to deal were fully qualified to carry out their part of the agreement. He refused to take any chances with men who were careless, given to heavy drinking, or of small means.

"I have been in the government service for twenty years," he told the bootlegger, "and every day of those twenty years I have been straight as a string. I did not think I would ever be susceptible to an offer of this sort; but I realize now that I have only a few more years of earning ability left and that I must provide for my old age.

"If you will see to it that I receive enough money to hire a real lawyer and still have a good bit left, in case I get caught, I will be very much inclined to accept your

proposition. See the men who are with you in the deal, talk it over with them, and then come back to me and let me know if you are willing to meet my requirements."

The bootlegger and the former employee left. Two or three days later the agent and his superior reported progress of the negotiations to the Prohibition Commission, and were instructed to follow the proposition through as far as necessary to secure evidence against the bribers.

Thereafter meetings were frequent but negotiations struck an unexpected snag when it came to deciding when the bribe should be paid. The bargaining bootleggers, still apprehensive, were unwilling to pay the money in advance of delivery of the intercepted papers. The supervisor, on the other hand, insisted that he could not be expected to perform the work before payment. This difficulty was adjusted by the bootlegger's suggestion that the money be turned over to a certain banking institution which would hold it in escrow until details of the agreement had been complied with.

After several days had passed, the agent protested that while they had held numerous conferences, he had no evidence that the bootlegger was either in "the business" or able to perform his contract.

"This thing is getting on my nerves," the agent said. "The time has come when you've got to show me you mean business. I don't know who you are—don't even know yet that you are in the business—and if you can't come across with something to convince me, why we'll just call it off."

That fiat had the desired effect. The bootlegger immediately became conciliatory and invited the agent to meet him that night for the purpose of visiting one of their establishments and meeting the other men in the "organization." The appointment was kept and the bootlegger

showed the way to an office building along the deserted river front.

Here was stored a fortune in contraband. The bootlegger pointed out thousands of half-pint, pint, and quart bottles; great sheafs of imitation labels for innumerable brands; counterfeit bottled-in-bond strip stamps and the usual caution notices for all the well known brands of high-grade imported and domestic whiskies, wines, liqueurs, gins, etc.

In addition, there were a great number of cases of what appeared to be genuine imported whiskies of high grade. These, the bootlegger claimed, had been smuggled into the country. There were also about twenty large drums of alcohol, from seventy-five to one hundred two-gallon cans of alcohol packed in corrugated paper cartons, and from thirty to forty five-gallon carboys, each filled, so the bootlegger claimed, with synthetic gin.

"How did you get that?" the agent asked.

"We make it," he replied, "from alcohol got under permit by industrial users." And he winked. "Only they don't need all they get. They sell it to us—at a profit."

The distillers were not present, however. The bootlegger gave a plausible excuse for their absence.

After the trip of inspection the agent appeared satisfied and an appointment was made for him to meet the distillers and the alleged representative of the Department of Justice characterized as "all-powerful" at Washington the following Sunday. In the meantime the bootlegger told the supposedly crooked supervisor that the store of liquor belonged, in the main, to two brothers who financed the "organization" but that he, the bootlegger, also had a pretty fair-sized stake in the stock. The names of the brothers were given the superior and with them the information that two or three of their vessels used in rum-

running had been seized by the Government but that through the good offices of the alleged "all-powerful" man in the Department of Justice, the seized ships and their liquors had been returned.

Saturday came, and with it a most unexpected development. An active enforcement agent, having traced a purchase of liquor to the office building, secured a search warrant and raided it. The entire huge stock of liquor was seized.

The agent knew nothing of this development till he walked into the office and found another agent cross-examining the men arrested in the raid. Among them was the bootlegger with whom the agent had been negotiating. Still hoping that he might be able to follow through the bribery negotiations, the agent pretended to be greatly disturbed and frightened and made motions to the bootlegger to refuse to answer questions and make no admissions. The bootlegger accepted the pretended fear as genuine and when he had an opportunity cupped his hand over his month and whispered:

"It's all right, Bill. I'll protect you. You can depend on me. Everything will come all right. Don't worry."

That night the bootlegger telephoned to the agent and told him that the case was a picayune affair, resulting from carelessness, and in no wise affecting their negotiations. He called off the trip to Washington, however, saying that he would necessarily "lay low" for a few days while the situation cleared. He professed great reliance upon the powers of his "all-powerful" friends at Washington, declaring that they could easily "fix the whole thing," and promised to telephone again in a few days.

During that time the bootlegger and his associates had a change of heart. At the next meeting the agent was informed that the original agreement could not be kept.

The "organization" was frankly worried. They didn't mind the raid and the loss of the liquor, but they were facing a charge of conspiracy, and suddenly it dawned upon them that they were incriminating themselves to the limit in their dealings with the agent if he were not "on the level."

They were unwilling, therefore, either to meet the supervisor and disclose their identity or to have him meet their supposed representative in the Department of Justice at Washington.

The "all-powerful" agent and the other influential friends at Washington, it developed later, lived only in the bargaining fancy of the "organization."

"However," the bootlegger told the agent, "the organization can't do my thinking. I believe you're on the level, Bill. If you're not and want to lock me up, all right; but the brothers haven't got anything to do with it, nor has the Department of Justice man—I mean with what I am going to propose to you now. It is my own proposition and if you're willing to 'do business' here it is:

"We'll rent a lock box with two locks. You keep the key to one lock and I'll keep the other. I'll put $25,000 in the box, and when you deliver to me the papers you are to intercept, we'll go together to the box and I'll count out $10,000 for the first 1,000 cases and replace $10,000 to cover the amount taken out. In that way, there'll always be $25,000 in escrow."

It was obvious that the original arrangement had been upset, so the agent, with a show of much reluctance, agreed to the new one. There also was no doubt that the agent had convinced the bootlegger of his crookedness. From the latter's conversation, it also was apparent that he had used all his persuasive powers unsuccessfully to bring his associates to his way of thinking.

One more meeting was held. At that time the bootlegger and the agent discussed details and agreed to meet again the next day to begin actual transactions.

But the bootlegger dropped completely from sight. The agent visited some of his old haunts, but no one had seen him and none could tell of his whereabouts. His disappearance has remained an unsolved mystery to this day, seemingly inexplicable.

Except for this: a whispered tale whose faint echo came months later to the agent's ears—a tale of a penalty fastened by the chieftains of the illegal traffic upon those who know their ways too well and are no longer trusted.

CHAPTER VI

RUNNING THE RUM BLOCKADE

MANY a chapter of adventure, stirring in its appeal to the imagination, has been written of the "rum fleet" plying chiefly from Bahama ports to mysterious destinations along the Atlantic seaboard of the United States. The subject has provided fantastic material for the picture writers of great metropolitan papers. It smacks of the old days of the Spanish Main, of pirate daring, and the lure of the sea, strong in most men from boyhood.

There is an air about the swaggering freebooters of old that has given them a special niche in literature. Many a gray-headed business man still reads of them with quickening pulse. And the thrilling tales of the rum-runners off the Atlantic Coast have touched that same chord.

It was a new thing when the "rum fleet" was first heralded as rocking at anchor outside the three-mile limit off the Jersey coast. There was an impudent daring about the proceeding that sent the story booming over the wires to newspaper front pages everywhere. The "wets" chortled with glee. They foresaw a difficult task for the Government in finding means to plug this leak that seemed so big.

What they did not realize, or would not, was that even stretched to the utmost limit of possibility, this was no more than a mere leak. In the actual amount of illicitly

transported liquor it brought to our shores, it was as the dregs in the glass when compared with what we normally consumed prior to the enactment of the Eighteenth Amendment.

There is only one way in which the "rum fleet" and the chronicle of its doings day by day have had a serious effect. That lies in the stimulus it has given propaganda to befool the nation into believing prohibition enforcement is a hollow sham and a mere mockery. "Smuggled liquor" was promptly capitalized by bootleggers peddling dangerous concoctions under faked labels. They shouted, even in remote corners, that their stuff was genuine, direct from British distilleries via Nassau.

The publicity given to the "rum fleet" has been a blessing to the poison-peddlers against whom every man's hand is raised, whether he be "wet" or "dry." It has aided the most despicable phase of bootlegging in areas so far from the sea that never a drop of liquor actually smuggled has ever reached them.

When all is said and done, what is the truth about smuggled liquor? It is not difficult to find the answer. The greatest possible measure of the traffic is written in the official records of Great Britain, France, Cuba, and other nations which are the only source of supply for the smuggling traffic.

Assume, if you will, that all of the liquor exported by all of these countries into all the ports from which smuggling is physically possible actually was smuggled into the United States.

If that impossible situation really existed, the United States would get from smugglers less than one per cent. of the amount of liquor she drank prior to prohibition. Specifically, the figure would be approximately two thirds of one per cent.

In effect, the official export records of foreign countries show that prohibition enforcement in the United States, so far as genuine foreign-made liquor is concerned, is as rigid as the Volstead Act itself. It has cut consumption to one half of one per cent. by volume or less.

Unfortunately, it is not alone with genuine liquors we have to deal, even in the smuggling trade. "Doctored booze" also comes in from the Bahamas. There are in our files confidential reports to prove this. And there are also the records of the police in many coastal cities in accounting for mysterious deaths.

Just before prohibition became effective, there was a rush of export liquor to Canada, the Bahamas, and many other points outside American jurisdiction. No one who read the papers during those days could forget the printed stories of liquor dumped out on the shore for lack of storage facilities. It was destined by its rightful owners to be held until an early day—to which they looked hopefully—when the Volstead Act should be declared unconstitutional. Then it was to be rushed back for sale at famine prices. For its ultimate smuggling should the courts prove unkindly to "wet" hopes, there were only the vaguest ideas. The "wets" could not believe that prohibition had come to stay.

Much of this supply has trickled back. Most of it has disappeared; and such little American-made whiskey as does come in more often than not is "doctored" beyond recognition and has been diluted to double or treble its former volume. The bootleg market for it has waned for months. The man who craves liquor so badly as to pay eight or ten or twelve dollars a bottle for it, wants a "kick" in his costly drink. He has little patience with watered stuff. And dread of poisoned adulterations makes him gun-shy of the old, well-known American brands.

This dread of deleterious liquor, and the tightening up of restrictions around our own remaining stores of pre-prohibition liquors, account very largely for the enormous increase in importations from England to such places as the Bahamas. There have been instances recently where as many as 100,000 cases a week have been contracted for by merchants in the island ports. The only possible outlet for that whiskey flood is the smuggling trade.

Among British officials there is no effort to deny this. Witness a dispatch recently widely circulated in American papers, quoting Sir Harry Edward Spiller Cordeaux, Governor and Commander-in-chief of the Bahama Islands, as having said in Montreal that the healthy condition of the island's finances was largely due to its liquor traffic. That condition was most strongly reflected in the recent £250,000 expediture for harbour improvements at Nassau, the Governor was quoted as saying.

Or, again, the following press dispatch from London:

> Practically the whole of the large increase in imports of wine and spirits into the Bahamas last year was due to prohibition in America, Mr. Ormesby-Gore, Undersecretary of the Colonial Office, told a questioner in the House of Commons.
>
> Commander Kenworthy, independent liberal member for Hull, raised a laugh with the suggestion that for the sake of friendship with America these colonies be rationed. Mr. Ormesby-Gore said he certainly would not interfere with British trade. "If we prohibited it they would go to Haiti or some other convenient island belonging to another nation," he added.
>
> The Undersecretary stated that imports of wine into the Bahamas in 1922 totalled £27,260 in value and spirits just more than £1,000,000, whereas in 1918 they were £8,675 and £6,370 respectively.

The reaction of officials of the Bahama government is a natural one. Liquor importations there are legal, and there is a duty collected of about $7.60 a case.

It is no wonder that the huge increase in liquor importations which began in 1921 is credited with having paid off long ago the outstanding indebtedness of the islands. The law-defying American patrons of rum-smugglers have made the colony a present of that sum; and piled up fortunes besides for men in the islands who have no scruples against this phase of the traffic.

There is a point overlooked in the statement attributed to Governor Cordeaux. That is the outstanding fact in all the records of American prohibition enforcement that rum smuggling, narcotic smuggling, evasion of immigration laws, and diamond smuggling run hand in hand.

A recent illustration of this kinship in smuggling is disclosed in the case of the sloop *Mary Beatrice*. She rolled into "rum row" one June day, some three or four weeks out of Havana, with a cargo of human contraband aboard—fifteen Chinese who had paid the skipper to land them on our forbidden shore. And there she lay and rolled while the skipper fled and crew and human cargo fought. Twin sister she was to the rum-runner.

The "rum fleet" itself is a curious flotilla. A former Spanish cruiser, once pride of the fleets of the haughty Dons, has been spotted among them. The one-time palatial yacht of a noted American industrial captain has flashed her dainty heels back and forth in the new brotherhood of the coast, keeping company with blunt-nosed and weather-beaten old fishing schooners from the Grand Banks. Smaller craft, made glorious in the war through the daring of Yankee tars who manned them, have joined this pack of sea vermin preying on the self-respect and decency of a people.

It is estimated from reports at hand that 53 vessels with an aggregate of more than 5,000 tons register operated

out of the Bahamas alone in 1922. What may have been the aggregate of genuine liquor they dumped on our shores, no man can say. It could not have exceeded, however, the aggregate of liquors imported by the islands during that year or already in storage there.

We have accurate records of these new freebooters. We know the history of the ships, of their captains, and in many cases, of the men who engineer the operations and frequently travel as supercargoes on smuggling voyages. Our files form a veritable "Who's Who in Rum Row." Many of those master-smugglers are of American birth. The skippers of their lawless fleets are drawn chiefly from the scum of American water fronts.

But their crews are largely recruited among the sponging flotillas of the Bahamas, and in their veins, beyond doubt, run traces of the blood of old master pirates of the Spanish Main. These are seamen unexcelled, born and reared in the hard ways of blue water. It is in their blood to risk life in dark adventures on the deep.

Let me quote in substance from one of a long series of reports in our files, received from a confidential agent sent to the Bahamas. He was writing of a schooner that had sailed from Nassau with 17,000 cases of whiskey aboard:

> There are thirty-four shippers interested in this cargo which is valued at more than a million dollars. It would surprise you to know the number of men among them who are members of the Government here or merchants other than liquor dealers, and who have been lured into the deal through the chance of enormous profits from comparatively small investments. Even women are investing in these big combines.
>
> They have an underwriting scheme which induces such gambling. It works this way. If you are known by a local liquor importer, he will trust you for as many cases as you care to gamble on at the price of $5 a case, which is the established

underwriter's fee. You pay him the cost price per case when the vessel returns with your money.

The boys here are fast becoming millionaires through this new gamble. They send their own representatives as super-cargoes to handle the cash. When the ship is sold out up there, these men usually are set ashore and return here by regular steamer.

One of the largest operators along the Atlantic seaboard is here now. He owns about five vessels. Some are now loading. He is under bond for violation of the liquor laws, but does not seem to mind that. He is reputed to have cleared $200,000 in the last few months.

I am impelled to revert for a moment to the question of "doped" liquors made in America which mingle in the smuggled "wet goods" coming in from the Bahamas. I have before me a recent editorial comment in a Bahaman paper prompted by the visit of certain American officials to Nassau. It illustrates, to my mind, the gradual awakening of that public opinion to which I look as one means of solution of the international and perplexing problem we face in dealing with rum smugglers.

The editor assumed that the American officials whose visit he reported (they were prohibition officials) had to do in part with the trailing of "drums of cheap sugar waste alcohol" from Cuba to Nassau and thence to the United States via the rum fleet. His virtuous distinction between "honest products" and the "vile new alcoholic by-product of the sugar mill" is sharp. His defence of the right under British law and trade conventions to ship "honest products to all who may demand and pay for them" on the one hand and his condemnation of the traffic in the Cuban "three-penny alcohol by-product" on the other, also is emphatic. The editorial continues:

The honest whiskey label, covering alcholic poison, plays into the calculations of every rabid prohibition crank with a

tremendous effectiveness which the honest officer of the law of any country cannot ignore. The new three-penny alcholic by-product of Cuban sugar manufacture labelled as honest drink is an imposition unpardonable in the ethics of life. Its condemnation is as resonable by international convention as that of dope of any known sort. It is as bad as opium or heroin.

There is another phase of smuggling with which British fair-mindedness should deal in defence of British traditions and institutions, if for no deeper reason. That is the double clearance papers for a "fee."

The way the thing was worked was this: The vessel owner or shipper applied for and obtained clearance for a Canadian or other northern British or French port, with cargo. There were no formalities required aside from his manifest to show liquor in that cargo. There is no rebate of duty in the colony on imported liquor reëxported. That duty paid on arrival of shipments from Europe goes into the colonial treasury.

Having obtained this clearance showing him en route with cargo from one British colonial port to another, the smuggler went out and loafed about town a few days. Probably he began loading up with the cargo destined to be "run" on our coast.

After a fair period had passed, he reappeared to ask for clearance "in ballast" to an American port. His previous cargo, he explained, had been discharged. The official issuing clearance papers gravely accepted this statement and made out the new documents.

So the rum ship put to sea, ready for all emergencies and with few risks involved to the gambling ring interested in her cargo. If overhauled at sea, she could present perfectly regular papers showing this to be an "innocent voyage" between two foreign ports with innocent cargo including, mostly if not entirely, liquor. She could not be

apprehended or interfered with. The British flag and the international practice of centuries protected her, however certain it might be that her real purpose was to shatter American laws.

Once the rendezvous was reached and the liquor all put overside at sea, beyond American jurisdiction, to be sneaked ashore by waiting small craft, the rum ship changed character and boldly sailed into an American port to restock and refuel. She produced the duplicate clearance papers to prove that she had sailed without cargo from the Bahamas for the port she was making and still was an innocent toiler of the sea. There was no ground for her seizure, whatever well-grounded suspicion rested against her.

British officials have said such abuses as these would be looked into. Perhaps they have been checked. At least, more recently our reports show that the rum ships are taking aboard their fuel and stores at sea to a large extent, making ready for the return trip. There is a regular industry among the bootlegger rings along the coast to supply these vessels.

Tied down as prohibition enforcement activities are by law and regulation and international practice to the narrow confines of the three-mile limit, we lack the means to check up on the double clearance-paper traffic. We can only surmise what it is still possible to do as indicated in our confidential reports from the Bahamas.

It is noteworthy that prior to American prohibition, there was practically no liquor traffic between such points as St. Pierre, Miquelon, and the Bahamas, either way. Since prohibition an enormous traffic has grown up on those routes.

Within the last few months I have seen an official report showing two steamers en route from St. Pierre to Nassau

and touching at Halifax for coal. One carried 10,000 cases of whiskey, the other 14,000. They touched at Halifax during the same week.

That whiskey, 24,000 cases of it, undoubtedly was destined for the bootleg traffic in the United States. Whether it went first to Nassau and thence back via the "rum fleet," or was transshipped off our coast without passing through the Nassau "booze" clearing house at all, I am not informed.

On the face of it, these are legitimate voyages. No one can question either ships or cargo so long as they remain outside our three-mile limit. But there is no reason of navigation or seamanship that would bring them within 100 miles of our coasts in making the voyage. When they do come close in, there appears to be only one reason for their coming.

While Nassau of the Bahamas has been commonly termed the "Isle of Rum," St. Pierre of the Miquelons has been styled the "Isle of Champagne," as most of its importations are liquors and wines of French origin.

Recently a leading American publication sent two investigators into St. Pierre to make an investigation, which investigation resulted in a series of articles in that publication which told how the last French Colony in the Western Hemisphere has become rich from selling liquor to the United States rum-carrying schooners of Nova Scotia and New England ports.

Surely it is not supposed for a moment that British authority in the Bahamas, French authority in St. Pierre, Miquelon, or Cuban authority in the Pearl of the Antilles, for instance, would tolerate irregularities on the part of officials in these various bases of smuggling activities. The temptations in the way of some colonial officials must be very great. They are only another proof of the endless

chain of evil that follows along with this rum-smuggling business to the ultimate grief of mankind.

The inviolability of any national flag at sea, the fine principle of mutual respect and regard among nations which the centuries of human intercourse have handed down to us, has come to be a cloak under which shelters the despicable rum-running trade. Neither has English maritime law found means to prevent it. That collusion exists among the principals in many cases of ownership transfers, whereby these vessels are placed under foreign registry, must repeatedly be the conclusion reached by colonial officials. Indeed, dignified judges have admitted their certainty; yet this practice has continued.

Many of the rum-fleet craft originally were America-owned and flew the American flag. They have passed to British registry by the score since rum-running became a popular and profitable year-round pastime in the southern colonies. And the very cunning of the men who conceived the scheme is, indeed, ingenious.

For they have worked out a system of killing two birds with one stone. They not alone obtain the unwilling protection of the British flag for their smuggling operations but also provide through this same transaction tangible assets to serve as security for load after load of liquor bound to our coasts. This is the way they do it. I take a typical case from our records, although I shall omit names.

There appears in the Bahaman papers an inconspicuous legal notice to the effect that one John Doe, a merchant of some Bahaman port, has instituted libel proceedings for debt against a certain yacht, the owner having failed to pay for stores and equipment provided by the merchant for the vessel. In due course court proceedings are had, the ship owner or his representative admits the debt and

professes inability to meet the account and the ship is ordered sold.

At the sale, either John Doe himself or some other citizen of the colony purchases the vessel. Her registry changes almost automatically to the nationality of her new owner and thereafter she is a British ship under protection of the British flag. All this seems regular. But take the facts that lay behind the specific case I am citing.

In that case we know that the owner who professed inability to meet a debt of a few hundred dollars was a fairly well-to-do resident of a certain Southern seaport of the United States. We know that after the sale of his vessel for debt he continued to be deeply interested in her subsequent career and that she turned to smuggling rum almost as soon as the British flag rose at her staff.

What is the only construction to be put on those facts? The main point involved in this case, which merely is typical of others of which we have authentic records, is that the colonial officials must have been fully aware that they were being imposed upon.

In the upbuilding of the smuggling trade from the south to its present highly organized state with the "underwriters' fee" system of arranging credit and allotting profits, many devices have been tried out. Among these is one which points a finger of condemnation at certain banking institutions in American seaports.

Americans in these cases were prepared to pay C.O.D. for smuggled liquor they planned to circulate in the retail bootleg trade. But they did not trust the skipper or shipowner with whom they dealt to the point of placing the money in his hands in advance; nor would he undertake the risk unless he had security that he would be paid for it at the rate fixed in advance.

If he sailed in and delivered his cargo and payment were refused or the rate cut, he would have no appeal to law. If the Americans paid in advance and he never came back, they had no legal recourse. In self-protection both parties needed some method of guarantee of good faith. They were both outside the protection of law.

Some genius of the under-world hit upon a workable scheme. The plan was based on the old trade custom of deposits in escrow. Arrived at satisfactory terms there appeared at the bank the principals in the transaction to draw up and sign an agreement fixing the conditions under which payment was to be made by the bank. Then the purchaser put up his full cash price in the hands of the bank. The rum-runner went forward with the transaction, secure in the knowledge that his money was awaiting him at the bank when he delivered the goods.

Usually a condition of the agreement was that both parties should appear together at the bank and state that the deal had been carried out to their satisfaction before the bank would make payment. Similarly, in the event of failure of the deliveries, the depositor could draw down his deposit only under like conditions. Almost always a provision was included for the selection of an arbitrator whose decision should be binding on the bank should the principals not agree as to the facts.

It seems that any banking house could be drawn into such a relationship, although the utmost care was taken in drawing up the agreement to avoid any mention of liquor and to confine the terms to unspecified commodities. It must be that bank officials who lent themselves to this business were of a sort who could satisfy conscience by a hair-line distinction, for they could hardly have been in doubt as to the nature of the actual transaction.

Methods of landing smuggled rum on our coasts vary

with localities, due largely to shore-line conditions. Around Savannah, for instance, the Northern practice of unloading at sea was followed for a considerable time. Then the miles upon miles of indented shore-line, running up into deep creeks that could carry lighter craft far inland, attracted attention. Operations shifted to direct landings in these hidden recesses. The smugglers know every twist and turn and sandbar and it is comparatively easy to evade pursuit.

But some of them have been captured. They lost thereby not only their contraband, but also valuable, high-powered boats vital to their success. So an ingenious method of minimizing the risk to the power boats was devised. A trustworthy report describes the new arrangement as follows:

> The liquor was formerly transported to docks in small power boats; latterly transportation has been by small flat barges towed at high speed by the small boats. The purpose of this is greater capacity per trip and the ability to cut the towline in case of pursuit, and abandon the valueless barges with their cargoes, saving the power boats from capture and confiscation.

As storage places ashore for their cargoes, these Southern rum-runners have devised a system of underground traps or vaults with the metal covers buried, when not in use, beneath a foot or two of soil. From these traps illegal liquor is conveyed by night in motor trucks for rail shipment in cars loaded with vegetables or other commodities bound north or west and destined to be "lost in transit en route."

The situation is so obvious around the deep-water creek regions that one investigator has made this comment:

"Farmers who have not raised $100 worth of product in years have Cadillac touring cars in their farm barns."

In one Southern town it was charged that there existed a well-defined system of official protection to the bootleggers which the Government ought to repress. It was charged that when trains of machines laden with liquor start out, the first car carries no liquor but two or three county policemen as passengers.

In case of attempted interception the police escort pilot car rammed the machine of the intercepting prohibition officers. Colliding is a traffic offence. Arrests and confusion have followed such "collisions." In the excitement the bootleggers' cars behind have made their escape.

Around the great centre of the rum-running industry of the Atlantic coast, the New York–New Jersey shore, different methods of landing are in vogue. It requires seaworthy craft to reach most of the ships of "rum row" lying several miles at sea, particularly in murky or rough weather and under cover of darkness. Some of the big carriers from the Bahamas will not come close enough inshore to give the little fellows of the smuggling fleet a chance. They deal only with tugs and larger craft.

Among the various expedients to escape overhauling and capture are several rather striking cases. One shore-going boat flew red flags indicating that she carried dynamite or other high explosives. This was all the more effective, as the craft had actually been engaged in carrying explosives, a fact generally known to watermen of the region. Shouts of "Keep off!" and "Look out, dynamite aboard!" greeted any other boat which came within hailing distance of this crew as they boomed in, deep-laden with liquor.

In another instance there is evidence that an imitation coast-type lifeboat, manned by a crew dressed as lifeboatmen, worked successfully at unloading the rum-carriers. The boat was staunch and of great carrying capacity. She

looked trim, business-like, and official with her uniformed crew. It was some time before she aroused suspicion.

There are also many well-authenticated tales of wild parties out aboard the hovering rum ships, of nights of vivid doings on those rolling decks and of visitors from shore, including women, carried out by the mosquito fleet in attendance on the floating storehouses of liquor.

I have given space to all these things because I feel that they are of human interest and the time is not far distant when such incidents as these shall have become a part of history.

While it must be confessed that the amount of liquor smuggled into the United States to-day compared with the liquor consumed in the United States during the régime of the open saloon is not large—a possible maximum of 1,500,000 gallons for 1922—yet the smuggling problem is one that must make every red-blooded American citizen feel the greatest resentment against each and every agency that thus conspires openly to flaunt the laws of our land, and a wholesale onslaught against our laws under protection of foreign flags should not continue. Means will be found to stop it.

What has been done to meet the situation?

To disclose in detail the Government's methods in effect and pending for grappling with this nefarious practice would be tantamount to a dis-service to the American people. Such disclosure at the moment is incompatible with the public interest. Publicity now would tend to delay the success of the practical methods—some adopted, others contemplated—for removing the stain of illicit liquor from the American coast-line.

But this much can be said: We have measured our problem and we know its full dimensions. They do not alarm

us. Rum-running is doomed, and, unless I mistake the clear indications, the day of its doom is near. We are not idle in the face of our great task; measures the most effective at our disposal are pitting their strength against the illegal trade. From the nature of that trade's existence, it has chosen the dark in which to work. Very well; we shall meet it—are meeting it—in the dark, and fight our battle in the night.

While we may not discuss to-day the details of what we are doing and planning, there is a related topic whose mention here is entirely fit and proper. It is what we have done already. Of that, there is an open record.

During the fiscal year 1922 efforts of the Prohibition Unit's limited facilities for combating the smugglers were reinforced with the excellent coöperation of the facilities, also limited, of the Coast Guard and the Customs Service. These various agencies seized during that year twenty-nine vessels, of which eighteen were under foreign flags and eleven under the American flag. Ten of the eighteen foreign vessels were seized within our three-mile line. The other eight were apprehended while beyond the three-mile line but hovering near it, all being well within the four-league zone. Some of these were caught in the act of unloading their cargo to smaller boats, by them to be smuggled ashore. Units of the so-called Prohibition Navy including sub-chasers participated in some of these seizures.

Along the waters of our Northern border, and, at times, at Atlantic and Gulf points, the Prohibition Unit has in operation a fleet of speedy motor boats. Through their agency during the fiscal year 1922 forty motor boats were seized for transporting liquor, twenty-two arrests were made, and quantities of beer and whiskey taken.

Smuggling of liquor, good and bad, is a problem which

we do not underestimate. But it will be a diminishing problem.

It is noteworthy that in all her history what America wills to do she does. Also as an American citizen I make this observation because I am convinced that when the problem is properly appraised by those foreign countries whose subjects are now engaged in this smuggling traffic their assistance and coöperation will not be wanting.

CHAPTER VII

LIQUOR LEAKS ON THE CANADIAN BORDER

SOMEONE has said, in referring to the Canadian boundary, that you cannot keep liquor from dripping through a dotted line. In the enforcement of the prohibition law of the United States it has been a question not merely of stopping the drips but of plugging the great holes through which illicit liquor poured upon the legally dry states. The task of finding the biggest leaks, and then of plugging them effectively, has not been simple, but neither has it been impossible, and gradually the inflow of whiskey from the Canadian provinces has been reduced to a trickle. It may be a big trickle, but it isn't a flood, and only a small proportion of the rum now peddled illegally within the United States is truly of Canadian origin.

To speak convincingly on this point it may be necessary to out-cry the thousands of bootleggers who have prospered on the whisper that their goods were "straight from Canada." There is no way of telling how many patrons of these liquor tradesmen have been deluded systematically into believing that their purchases represented "the genuine article" routed via Windsor, or Montreal, or various lake ports. Fine stories of the ease with which whiskey could be smuggled into this country from Canada have been spun by the men who had it for sale, and accepted by the purchasers who hoped it was true. The plausibility of the stories gave them active currency, so that the phrase

"real Canadian stuff" has acquired a wide vogue in the circles where illicit rum is bought and sold.

The truth is that most of the talk of "Canadian stuff" is a myth, of which the purchasers of doctored moonshine or synthetic whiskey are the more or less cheerful victims. Prohibition agents have captured innumerable consignments of whiskey bearing labels indicating Canadian origin, or purporting to have come from England by way of Canada, but actually having no more relation to Canada than was afforded by the counterfeit labels. In one raid on a Syracuse printing plant, where fake labels and counterfeit stamps were turned out by the thousands, officers found enough Canadian labels to carry many times more whiskey than Canadian distilleries and export houses could possibly send to the United States in a year.

The proximity of Canada and the gullibility of seekers for illicit liquor have been fine for bootleggers. The situation has built up a widespread interest in Canada as a source of illegal whiskey and out of this interest have arisen almost spontaneously wild tales of our Northern border. The truth is wild enough, though tame by comparison.

The Canadian border is as long as the distance from England to India, or five times as far as from New York to Chicago. Except on the map, the boundary line is a bit fictitious. You motor along a fine concrete road. Here is the United States, there is Canada. You look across a fertile wheat land. These houses are in the United States; over there a half mile, the same sort of houses stand in Canada. You stand on one side of the Detroit River and watch boats load on the Canadian side. River craft scurry back and forth, and the boundary is an imaginary line in the middle of the stream. All the way from Maine to Puget Sound the border populations

mingle in commercial and social intercourse with little conscious thought of the international border.

At first this condition made the job of enforcing American prohibition appear impossible. As enforcement work became more systematized, however, it was found impracticable to smuggle liquor across the line in large quantities except at a few points.

The most important of these points are Detroit with its environs, and Windsor and other thickly populated communities just across the Detroit River. Another comparatively easy channel for the flow of liquor into the United States is in northern New York and Vermont, where shipments can be made from Montreal, by motor truck and automobile. Buffalo is another "port of entry" for considerable quantities of liquor. Lake Erie ports, such as Cleveland, Erie, Sandusky, and Toledo also get supplies by boat from the Canadian side, but in practically all these places the shipments are small, in comparison with the traffic at Detroit or down from Montreal. Western Montana is another district into which liquor can be shipped in sufficient quantities to constitute a wholesale business, but the traffic there also has been cut down recently.

Vancouver, at the extreme west end of the border, also is a wet spot from which the liquor plague spreads to the Pacific Coast states. The maritime provinces on the Atlantic Coast, Nova Scotia, New Brunswick, and Prince Edward Island formerly sent quantities of liquor coastwise to Eastern cities of the United States, but this traffic has now been greatly reduced, both by the activity of enforcement officers and by the competition of the Bahama supplies.

It is wits against wits in this business, and perhaps nowhere along the Canadian border is the contest more

keen than about Detroit. Right over the busy river there is Windsor, and standing on American soil you can even see the liquor boats loading there. You see them back away from the docks, and you know beyond a doubt that they are starting for the Michigan side with a load of liquor. Yet until the line is crossed there is no transgression. We must catch them red-handed, and there is the rub.

"It is harder than trench warfare in France," said one of our enforcement agents who had covered himself with glory fighting Germans. "Over there we could shoot them or grab them where we saw them, or go right in and get them. But over here we've got to wait till they come over to our side of No Man's Land."

The illegal traffic about Detroit is well organized. Stocks of whiskey are usually on hand in warehouses along the river docks on the Canadian side, having been shipped there direct from distilleries in the province of Ontario, billed for export to the United States, or occasionally for export to some other country. Rum-runners' boats load up, slip across the river under darkness, and unload at any one of a thousand places along the Detroit River. Most of the unloading now is done at points north and south of Detroit proper, for detection is more difficult in out-of-the-way localities. Regular boat lines are never used. During the winter, when the river is partially frozen, an ingenious combination of boat and ice-sledge has made an effective transport. Persistent rumours are that beer is pumped across the river by a pipe line to Detroit, but this has never been substantiated, and without doubt it is one of the many bootlegger canards.

There is no secret handling of the liquor on the Canadian side. It may be ordered at a brewery or distillery and consigned "for export" to a certain man in the United States. Of course the name is fictitious. A big bootleg

operator or his agent often goes in person to the brewery or distillery, places the order, names the consignees, and even the power boats on which the liquor is to be shipped. Detailed arrangements for the time of shipment are made. Payment may be made either there or on delivery at the wharves, but usually is made at the time the order is placed. All the formalities of export are attended to, including the issuance of export papers. There is no shadow of doubt about the destination of the liquor, and considering the quantities thus exported, there can be little claim that the purpose is other than for consumption as a beverage.

The identity of large bootleggers and their agents is well known at these distilleries and breweries in Canada, and they are likewise known to American officers. But they can be apprehended only for an illegal act.

The American consignees or their agents, the boatmen, take charge of the shipments at the wharves on the Canadian side. Clearance papers are made out in due form, and approved by Canadian customs officials. Clearance fees are paid by each small liquor boat in accordance with Canadian laws, and the revenue, both from these fees and from taxation on liquor sales, is considerable.

Enforcement methods by Federal and Detroit city authorities have gone far toward cutting down the traffic in whiskey at Detroit during the last year. Just now, however, there is a strong demand for alcoholic beer on the American side, and many boats are engaged in hauling this across the river. They load either at a brewery near Windsor, or at various wharves along the way. Large operators on the American side have standing orders for the hauling, which is done largely by miscellaneous owners of river craft, and a regular price is paid for the delivery. This rate ranges from fifty cents to one dollar a case,

and a forty-foot boat can carry 250 cases or more on a trip. As many as ten trips a day could be made if close lookout for patrol boats were not necessary.

Operators of these boats are not all of a rough class. Many were formerly rough but respectable river men. They engage in the traffic because there is money in it. They play fox and geese with Federal and local officers as a business proposition. When they are caught they take the situation calmly, and usually have no hard feelings for the officers making the arrest. There is little shooting or fighting. It is just a business game with them.

Eight miles down the river from Detroit is a former shipyard town, now a notorious centre for the booze traffic. Here the river is narrow and an island on the Canadian side acts as a shield for smuggling operations. Power boats load on the Canadian side and nose out toward the upper end of the island, where a lookout is maintained in a tower to watch for prohibition agents' boats. If the river seems clear, the lookout signals, and the boats dash across to the American side. They find refuge in the many private slips along shore, where they are safe from seizure except with a search warrant. Some of these slips are closed with heavy chains, which the liquor boat operators securely fasten after they have entered, to prevent any bold enforcement boat from giving chase. Inside the slips there are dozens of places where the case beer can be unloaded, and hauled away at night by truck.

It is said that many people in this southern suburb of Detroit are engaged in river hauling, selling, or trucking beer and whiskey. Frequently the word passes from mouth to mouth that "the law is in ——." This means that officers are near. Every wheel of the illegal liquor machine stops almost instantly. No boats set out; no boats run in. Unloading ceases; truck haulings are sus-

pended; all deals are temporarily off. It is a good system, but it does not always work, for arrests and convictions are frequent.

There are patrol boats on the river, doing very effective work, but so do the beer-runners have their scouts. One small speed boat, manned by a single clear-eyed spy, is to be seen at almost any time of the day or night scurrying along the shore, and giving the alarm with a signal flag when he sees the officers in their power launch. Many a berating he has received from the prohibition agents, who lay in wait to seize liquor boats visible across the river, ready to make their dash to the American side. But he scoots saucily away, waving his hand as he goes.

The river rumour is that both this boat and the look-out on the island are maintained by Canadian brewery interests.

It is also reported that the breweries have a standing agreement to replace any consignment of beer which is seized by the authorities. They will not pay for the boat, however, should it be confiscated. Loss of the boat is usually the most severe form of punishment, for the fine ordinarily can be absorbed in long-run profits. Values of the boats range from $500 to $2,500.

Canadian police and liquor-enforcement officials coöperate in many ways, but their effectiveness is limited in view of the necessity for catching booze-runners in the act. The coöperation works both ways, but the Canadian authorities have a small task in preventing inflow of American-made moonshine to Canada.

Roadhouses and resorts along Lake St. Clair and the St. Clair River also are receiving points for Canadian beer and whiskey, which are hauled southward by automobile to Detroit and Toledo, and westward into Michigan

The beer and whiskey traffic on the lakes is conducted

mainly by power boats ranging upward from sixty feet in length. Some make Pelee Island, across Lake Erie from Sandusky, a base of operations, and run their cargoes into Toledo, Sandusky, Lorain, and Cleveland. Most of this traffic is not regular or well organized, but is conducted on special orders, fifty or one hundred cases of whiskey or beer being delivered at a time.

Around Buffalo and Niagara Falls the conditions have some points of similarity to those at Detroit, but the physical facilities for avoiding detection are not so good as in the Detroit region.

In all operations on the lakes the enforcement officials are hampered by a lack of sufficient speed boats and men, but they have done wonders during the past year in drying up the sources of supply. They make rum-running increasingly hazardous, and therefore progressively less profitable.

From Montreal down the excellent highways of lower Quebec and upper New York, the motor rum-runners ply their trade systematically, but against a growing menace of government authorities. Montreal is wet, and liquor is easily obtainable. Bootleggers take their cars into Canada usually by one road, paying the admission fee of $5 or more, but check out by another road, forfeiting the deposit and covering up the trail. Thus, Canadian automobile records show annually the entrance of thousands of cars which apparently never leave the country. Or, to be more exact, the same car may enter repeatedly, but so far as the records go, it comes back without ever having left.

Large orders for liquor are placed with distilleries for export to the United States. Payment is made on the spot and the deal is closed. Export papers are made out. A motor car or truck is loaded, and departs southward

with its load of intoxicants for illegal sale in the United States. It may get caught and it may get through. A constantly decreasing number are getting through.

An agent is lying in wait by the roadside near a bridge. Down the highway pounds a big touring car, its cut-out open, speeding at forty miles an hour or more. The agent moves his car into the middle of the road, and gets out to examine a tire. The big oncoming car draws up short because it cannot get past. The agent gives the car the "once over." It looks like a liquor car, but it isn't, and it goes on its way after the prohibition agent has pulled his car back to the roadside.

But neither the officer nor the driver of the suspected car is fooled. The officer knows that the car probably is the pilot for a train of liquor-bearing automobiles or trucks following a safe distance behind. The driver of the pilot car knows that here is a good lurking place for a government agent, and so do the drivers behind. So when he fails to return promptly to them, they know there is danger ahead, and they wait or hide. Had the pilot car returned to report a clear track ahead, they would have proceeded.

The driver of a load of liquor when caught in this manner usually will try to escape on foot. He may get away into the woods, or a swamp, and though he has lost his car and his contraband, he has avoided his penalty.

Many booze-runners in this Canadian trade carry woman companions, well-dressed, fine-looking women, and pretend to be touring for pleasure.

Some of the Canadian liquor brought down by these Northern roads reaches New York and some serves the bootleg markets of the Hudson River and Lake Champlain territory. Much also goes to adulterate synthetic liquor made in the United States.

There is another class of rum-runner who operates from New York City to Plattsburg, N. Y., or some other point near the Canadian border, in his own automobile, and there negotiates for a load of whiskey with a bootlegger along the border. Some runners drive their own cars to a point near the border, and there they hire professional drivers who are familiar with all the roads and the police traps to drive the cars across the boundary to their Canadian destinations. The professional driver is well paid.

Customs, prohibition, immigration, and other authorities coöperate well along the New York–Canadian border to prevent liquor smuggling, and the Canadian Government has maintained a special force at the border. Gradually the traffic is being curtailed.

The Canadian border from Duluth to western Montana is relatively dry. Small bootleggers operate across the line, but the aggregate of their business does not approach the volume in the Detroit or upper New York districts. Occasionally there comes a report that airplanes are employed to carry shipments of liquor across the boundary in the wilder portions of the country, but investigation usually has demonstrated that these were only rumours.

Two or three big bootleggers at Butte, Mont., formerly did a thriving business by hauling liquor by automobile caravans from points in Saskatchewan and British Columbia. Liquor was also smuggled down through the Kootenai River valley, in the extreme northwestern corner of the state, by automobiles, freight trains, and river rafts. American bootleggers usually go into Canada for their supplies, but they claim that Canadian liquor dealers would deliver the goods at the border for export if this were desired.

Trains of bootleg automobiles, after crossing the border, usually diverge over a number of roads leading them to

all parts of Montana. To avoid going over bridges and ferries, where officers might detect the nature of their business, many ford the rivers. They also seek to bribe local officers of counties through which they pass.

In this Western country canyons through which a road passes are bases of operation for law enforcement officers, instead of for criminal hold-up men, as in the old stage-coach days. Liquor cars approaching a canyon send a scout ahead before proceeding over "dangerous ground."

In the Canadian liquor traffic, as in coastal smuggling, violation of the prohibition laws goes hand in hand with narcotic and immigrant smuggling. Certain of the known traffickers about the Great Lakes have narcotics as a side line, and they are not averse to transporting Chinese into the United States in violation of the immigration laws whenever a chance is offered. Canadian silk dealers have complained that their business is hurt by the peddling of fancy silks and other textiles smuggled into Canada from the United States without payment of the usual customs duty.

Retail prices of Canadian liquors in the United States are entirely fictitious. Near the border quotations range usually from $50 to $120 a case. In interior points the price is seldom below $90 a case for real Canadian liquor, but by the individual bottle it brings from $12 to $25—whatever the traffic will bear.

Intimate knowledge of the complicated liquor laws of the Dominion of Canada and its various provinces is one of the weapons with which enforcement officers of the United States must be equipped. Under the Dominion's fundamental law prohibition is left for determination to the several provinces.

The degree of dryness varies with each province. Quebec and British Columbia are wet, although neither has open

saloons. The other provinces have been considered dry, although peculiar inter-relations of the dominion and provincial laws make possible the manufacture of whiskey, beer, and other alcoholic liquors by licensed distillers or brewers in any province. All prohibition laws allow use of liquor for medicinal, sacramental, or scientific purposes, but some provinces restrict sales for medicinal use. Manitoba recently voted to substitute a system of government sale of liquors for its previous dry condition.

Thus, a Canadian province which considers itself bone dry may yet have liquor coursing through its transportation arteries to the United States. The laws may make a province dry, but when it is squeezed by men engaged in the illicit liquor traffic, it leaks, still without necessarily violating the Canadian statutes. Consequently the United States prohibition agents operating along the Canadian border must have both hearts full of nerve and heads full of law.

Canada has been drying up since 1864 when the Dominion parliament passed what has become known as the Canada Temperance Act. It is essentially a local option measure, for it provides that when any city, county, or province votes dry, the Dominion Government then will prohibit the importation of liquor for beverage purpose in accordance with local wishes. Formerly the law made an exception of shipments for personal or family use, and this left a loophole.

In 1916 the law was amended to forbid importation into any dry area of liquor intended for beverage purposes, but this placed the burden of proving knowledge of the intention on the Government. "Export houses" sprang up in legally dry counties or provinces, shipping in wet goods ostensibly for non-beverage or export purposes. The provinces were powerless to abolish these businesses, be-

cause trade is protected by dominion laws, and these laws did not prohibit dealings for "export" or for non-beverage uses.

Post-war demobilization came along, and the ease with which liquor was obtained by soldiers in provinces which were dry by law sent a whirlwind of indignation over the country. The Dominion Temperance Act was amended once again. This time it specified that if a province so voted, the central Government would forbid all importations of liquor except for non-beverage purposes. Even this did not work well, for the so-called "export houses" continued to operate in many of the dry provinces with the large stocks on hand, and by obtaining importations of intoxicating liquors under the guise of satisfying a non-beverage demand, they would hold the liquor in the provinces, let some leak out locally through "lost" export shipments, and actually make export shipments to the United States, or to another province.

Once again the Dominion Parliament amended the Canada Temperance Act. On June 28, 1922, it passed a law further restricting exportation. This act squeezed out the "export houses" from most provinces and they fled to British Columbia. Their thriving condition in that westernmost province is explained elsewhere in this narrative.

Licensed breweries and distilleries remained, however, and are still in operation, producing whiskey, gin, and beer, supposedly for non-beverage use in dry provinces or for export. Their activities are protected by license of the Dominion Government, so far as production and export are concerned, but they are subject to Dominion laws in matters of taxation and regulation of intra-province trade.

Keep these facts in mind about Canada: The Dominion

Government controls importation into, and exportation from, each province, but abides substantially by the wishes of each province in these respects. The Dominion also exercises control over the breweries and distilleries, subject in much the same way to the wishes of the province, but does not prevent export from these plants.

The Provincial laws in general terms are these:

Ontario: Generally dry; importation for beverage purposes forbidden; exportation from distilleries and breweries permitted; maintenance of stocks at these plants permitted; sale of beer with less than $2\frac{1}{2}$ per cent. alcohol permitted, on the ground that this is non-intoxicating; no saloons, no sale for beverage purposes; sale for medicinal, scientific, or sacramental use authorized.

Quebec: Wet, but no saloons for sale of whiskey and other distilled spirits; liquor sold by Provincial government authorities through dispensaries, and the sale of beer and wine permitted by licensed hotels, restaurants, and dining cars, and by certain outlying trading posts. Grocers, on obtaining a license, may sell beer at rate of one bottle at a time; licensed taverns may sell beer by the glass. A person in charge of a banquet may obtain a license to sell liquor for immediate consumption. Liquor may be bought direct from the Government, and beer direct from a brewery.

Alberta, Saskatchewan, New Brunswick, Nova Scotia, and Prince Edward Island: Substantially dry.

Manitoba: Turning from dry to a system of government sale.

British Columbia: Wet.

Much has been said about the revenue which the Canadian Dominion and Provincial governments receive from taxes on liquor destined for export to the United States. Figures are available showing that these run into many millions of dollars. Seen in proper perspective,

however, it is doubtful whether this means as much to the governments as might appear, especially in view of the expense involved in employment of special officers to regulate the export traffic, and to prevent diversion of liquor back to internal Canadian markets in dry provinces. The American bootleg trade makes a certain kind of business activity in Halifax, Montreal, western Ontario, and British Columbia, but it is also a considerable nuisance to the dry law-abiding people of Canada who approve of prohibition in the United States as much as in their own land where they have voted it.

CHAPTER VIII

ENFORCEMENT, AND THE BIG VIOLATOR

IN ORGANIZATION the illicit liquor industry apes legitimate big business. Both have their retailers, wholesalers, brokers, importers, jobbers, manufacturers, salesmen, shippers, counsel and general retinue of retainers. At the bottom rung of the illegal industry are the retailers; at the top are relatively few men of native ability, personality, and brazenness. The retailers work under cover; the men at the top almost in the open. Their identities are generally known, but they protect themselves and their operations with considerable skill against many of the hazards of their crooked calling.

It is a specialized task of enforcement workers to get evidence against the men at the top. Conviction of one such is worth conviction of a dozen small operators. The men at the top are the generals to whom a multitude of privates look up, and the downfall of one of them casts fear into the hearts of the little men. Besides, these men control great reservoirs of illicit liquor, and stopping them stops the retail supply.

The average retail bootlegger slyly drops in and stealthily steals out, disguising his name, concealing his address, and leaving only his telephone number. This is not generally true of big dealers and their confederates, many of whom are prominent men in their respective communities and some of whom have big bank accounts, country homes, office suites, limousines, and, perhaps,

sons in college and daughters in society. Ostensibly, these dealers may be in the garage business, the wholesale fruit business, the real estate business, or any other of a hundred legitimate callings, but actually and with less public concealment than might be supposed, they are in the illicit liquor business.

Some time ago there came to enforcement headquarters a report from a certain city telling in detail of the affairs of members of a number of bootlegging groups in that community. It included records of family histories, places of residence, business addresses, personal affiliations, and precise methods of doing business. The men whose affairs were thus detailed are big men locally. Such a report is given as typical and that class is big game for prohibition workers.

Many, if not all, of the big liquor operators in the United States are known to prohibition agents. The task confronting the agents, therefore, is not so much to learn the identities of the big liquor dealers as to puncture their armoured systems, to catch them in the act of law-breaking, to gather evidence which will establish their guilt in courts and to present it in fashion to conform with legal requirements.

Big offenders know their risk and devise methods to minimize it. Knowing that if they are caught they will be prosecuted, they plan carefully in advance the defences to be offered. They know that if all plans fail they may be fined or sent to prison, but this is not a catastrophe. Fines are considered merely an element of business expense. Imprisonment, although inconvenient, is not regarded by some as sufficient to warrant passing up a fortune which will await them when the prison sentence is over.

Thus enforcement workers must use all their ingenuity

to devise real hazards—hazards to strike not merely individuals but the business itself, to make it unprofitable, to dry it up as a fountain of tremendous overnight fortunes. Results of enforcement are becoming more and more apparent, and in the end manufacture and sale of illicit liquor will be made unprofitable.

Federal authorities have collaborated with state and local workers in collecting great files of information detailing how the wholesale bootleg business is conducted and the persons engaged in it. This clearing house of knowledge is the first requisite in the task of catching the big fellows. Day by day and week by week, this store of information is being built up. Almost hourly it is drawn upon to furnish information as to important offenders.

Individually, the wholesale bootleggers are being hunted to earth. Frequently a group of them is caught and convicted. Even more important, however, than past and current activities along this line are the plans for extending the intelligence activities on the illegal liquor trade to the point where wholesale captures and convictions may be effected. Little do the illicit liquor dealers know and little does the law-abiding public of the United States realize what is in store for the men who control the great faucets for the supply of illegal liquor. But that is one of the surprises which can be left for the future.

The fact that the liquor business is systematized makes the detection of violators also a systematic procedure. The principal wholesale bootleggers in the United States are located either in New York or New Jersey, or they have agents there, or they visit the city periodically, or they send their representatives there. This makes New York and its environs an important centre for the operation of prohibition agents. Most of the liquor smuggled in from

the West Indies is controlled from New York, even though the commodity itself may not pass near that city.

Another important centre for the business is South Georgia, especially Savannah, and various parts of Florida where liquor is smuggled in from the Bahamas. Similarly, New Orleans and other gulf ports are wet spots where big operators congregate. Chicago and San Francisco also are operating centres for important rings of bootleggers. Other cities in the United States could be recorded as places where the illicit liquor business thrives, but they are of secondary importance when it comes to considering operations directed and financed on a national scale.

Clues come in many ways. In one case a big bootlegger, who had been very poor, moved from a small house to a mansion furnished in accordance with the reputed standards of the newly rich. Oriental and Persian rugs covered the floors; architects from a neighbouring big city were called upon to design elaborate accessories to the house; the family owned more automobiles than any other family in the residential section; gowns for the women were imported from Paris; and English tailors were employed to make correct attire for the head of the family.

Prohibition agents traced the source of his wealth and found that it came from bootlegging. Now the source is stopped and the family head in all likelihood soon will be in jail.

Big bootleggers generally boast. A year ago "busted," to-day rich—it is too good to be true and they burst with enthusiasm. They tell their friends all about it, in strictest confidence. The story runs from mouth to mouth, still in strictest confidence. It reaches prohibition officials and there is retained, also in strictest confidence, until the evidence is gathered, the raids are made, and the newspapers blaze the story to the world.

Banking operations of big bootleggers are on a big scale and generally are different from the usual commercial practice. In the morning, for instance, there appears at the teller's window a man with ten thousand-dollar bills for deposit to the account of William Smith. Half an hour later the same man may step up to the teller's window in a bank around the corner and deposit six thousand-dollar bills to the credit of Joseph Brown. The next morning the same man may appear at a third bank with a great roll of dirty money and walk away with a credit entry of thousands of dollars in the pass book of H. J. Johnson.

The performance may be repeated week in and week out. the balance in all three banks growing into good accounts. Withdrawals are made by presenting checks for cash at the teller's window. The bank is merely the storehouse for the mysterious depositor's money. He generally has a safe deposit box, or two or three; if so, he visits them frequently. At intervals currency is taken from the boxes and deposited. At other intervals it is withdrawn from the teller's window and secreted in the safety boxes.

In most legitimate businesses, many checks are drawn on the bank. In bootlegging only cash circulates.

Although the roots of the bootleg industry thus extend into the financial institutions of the country, there is no substantial evidence that bankers themselves, except here and there, are involved in financing the business to any significant extent. Bootleggers are not good risks, and no other trade of such proportions exists without the aid of bank credit.

Many press pictures have been drawn of the fabulous fortunes being made by big bootleg operators, and the comparative ease with which such fortunes are accumulated. The public, generally, should know that these

pictures are largely overdrawn, and often the chief object is to write a story which will challenge the interest of the reader and supply many a thrill.

The true picture of the big or little bootleg operator is that of a man constantly haunted with fear of apprehension and with a veritable Damoclean sword hanging by a thread over his head, for he knows not at what moment he will be grabbed by the officers of the law. Being in a crooked business he also must be constantly paying out money to individuals from whom he thinks he may get the much-discussed "protection," and he is constantly touched by grafters of every kind, who, knowing of his operations, demand money, or they will "squeal."

He also is in a constant mental attitude of fear of criminal sentence and subsequent imprisonment. If he is well informed, and most bootleggers are, as to the consequences of successful prosecution, he knows the strength of the law that may be used in his punishment. He knows that there are the criminal processes which may be invoked against those who illegally manufacture, sell, transport, import, export, or possess. He knows that the injunction process is being invoked with greater success every day against violators, and that he may be the subject of conspiracy prosecution. Also that there will be imposed, if he is found guilty, certain provisions of the Internal Revenue Laws and tax penalties.

With such a formidable array of possible results of his illegal operations, the bootlegger's life is increasingly a life of fear, dread, and apprehension.

Honour may exist among thieves but it prevails in the bootleg world only to the extent that it is made good by acts. Unqualified confidence does not exist. One bootlegger trusts another, but always with the understanding that conditions may change in a moment. A man who has

kept silence for a year may talk when tempted by a desire for revenge or for immunity from prosecution for his own misdeeds, or for pay. Or he may assist prohibition men for any one of a variety of reasons.

Agents who do the principal work in preparing cases against bootleggers, or "under cover" men, are detectives of unusual ability, intelligence, and courage. Most of them are young men who, as a result of their associations with and study of bootleggers, know the liquor business almost as intimately as the operators themselves. They are out for big game and ordinarily do not bother much with the smaller violators unless local authorities are absolutely undependable.

Ordinarily an "under cover" man has definite instructions to get evidence against a certain individual or group of bootleggers. He focusses his attention on the immediate job at hand. It is his duty to get the evidence, direct the raids, and take such proper steps as may be necessary to make the case stand up in court.

Of course the bootlegger fully understands the methods used by agents to "get" him. He studies every case. He studies agents and their methods. He knows that in every move he takes great chances. He knows it is a game of matching wits. So this story of a typical procedure has no new information for the violator, but will be illuminating to the average reader.

It is quite common for an "under cover" man to use his real name. He does not resort to the disguises commonly attributed to detectives, and he may even let it be known that he is a prohibition agent, but more frequently he poses as a liquor broker looking about to make a purchase of a large quantity of "good stuff."

Sometimes the first step is to learn the identity of the close friends and business associates of the intended victim,

for "with the right introductions you can do anything." In such cases the "under cover" man pays close attention to the bootlegger's neighbours and tries to obtain their confidence.

In the course of his discussions with the bootlegger's friend or friends, he may find occasion to disclose in confidence that he is a broker in whiskey. Frequently this leads to an introduction to the bootlegger. The neighbour or friend goes to the bootlegger and says he has just had dealings with another man in the same line of business. The friend says he has high regard for the supposed bootlegger. He knows he has money, for he has seen it in big bills. He knows he has strong "New York connections," for he has seen letters from agents in New York. He is looking for a consignment of $75,000 worth of stuff and he has an immediate outlet for it.

The real bootlegger is interested. He knows where he can get the stuff. He can turn a deal and make a pretty penny and he is greatly pleased to make the acquaintance of the big broker with New York connections. The introductions are arranged, cautious negotiations are entered into, money is displayed as evidence that payment will be made, and a time and place agreed upon for delivery of a quantity—generally large—of illicit liquor.

The liquor is delivered as agreed, inspected, and found to be of proper quality. The real bootlegger is on hand for his pay. Then comes the surprise party. The broker from New York turns out to be a prohibition agent. The bootlegger is caught. He is amazed. He is arrested, released on bail, and after the usual period of chagrin, sets in motion his machinery for defence. There are lawyers to be got, good lawyers, and plenty of them. There are character witnesses who must be had, if possible, men standing high in the community. Political influence must

be obtained, if it can be had. Technicalities of law serve to aid him, and in the end, he may be convicted but he uses all means to delay.

The success of an "under cover" man in working up a case when he actually represents himself as a prohibition agent depends on the assumption, common among bootleggers, that every man has his price The bootlegger takes it for granted that here is a prohibition agent "out to get his" and that it is only necessary to approach the subject of bribery adroitly to obtain the desired ends. The agent arranges the conversation in such a way that a proposal for a split comes from the bootlegger. The "under cover" man appears to agree and the time comes when money is passed. Sometimes more money is forthcoming.

The raids are made, bootleggers are arrested, and the "system" collapses. The liquor vendors for a time are incensed but ordinarily soon accept the conclusion that they have been outplayed at their own game.

A roll of yellow bills is part of the "property" of a government agent and he learns to display them discreetly, not by crudely boasting of his roll but perhaps in the course of a mock wager.

Seldom do "under cover" men work with the local authorities. In the first place, there is always doubt as to who can be trusted to keep secrets. Secondly, methods of detection ordinarily are most effective when they are limited strictly to bootleg circles. Bootleggers have their own code of conduct, and "under cover" men must be prepared to be "good fellows," to go to the races, the prize fights, the bull fights on the border, to be jovial members of week-end parties, or to visit a summer resort for a few days with important members of a bootleg group.

Catching high-powered beer manufacturers is a spec-

ialized variation of enforcement work. Here, rules and the technique are different. With beer, bulk is large and alcoholic content dubious. An agent may stop a wagon loaded with beer only to find that the supposed contraband is an entirely innocent cereal beverage. He may inspect the output of a brewery every day for a week, a month or a year, and find it contains less than one-half of one per cent. of alcohol, as permitted by the law.

If, however, the agent overlooks a day, some breweries may turn out that day alcohol beer and distribute it widely. Seizures have been made of high-powered beer in bottles bearing the label of a reputable manufacturer of cereal beverage who is above suspicion as a violator of the law. In such cases bottles containing the legal product of the reputable manufacturer have been emptied and refilled with contraband.

An agent may have every assurance that a certain brewery is manufacturing beer containing four or five per cent. of alcohol, but if he raids that place, he may be delayed long enough to permit the illegal beer to be switched off and legal product turned on. Prohibition agents have found instances in which the brewing of illegal beer was resumed within an hour after a successful raid.

The limited number of illegal brewers represents big game in the eyes of the prohibition workers, for they generally are well organized and their system for distribution of their product and for "protection" is highly perfected. By systematic bribery and corruption they feel they have reduced many of the hazards ordinarily attendant upon open violation of the law. The temptation to violate the law is ever present. Beer costing from $3 to $4 a barrel to manufacture can be sold for $20 or $25. A day's earnings may run into thousands of dollars; a month's operation may mean a fortune.

Illegal beer is doomed but many brewers do not seem to know it. Undoubtedly the strongest motive for continuation of the illicit business is the hope that the prohibition laws will be modified to permit the sale of higher alcoholic beer. Some brewery owners and managers are quite frank about this. They say that if they believed there were no chance for the come-back of beer in the United States, they would convert their plants to other lines. In vain hope, however, they hang on to their properties month after month, year after year, keeping them intact against their hoped-for day when the ban on beer is to be lifted.

With respect to illicit brewing, enforcement workers have found their chief problems in Chicago and near-by cities; Paterson, N. J., Jersey City, Atlantic City; Philadelphia; St. Louis; Baltimore; New Orleans; Buffalo; Scranton; Wilkesbarre; and other industrial cities of Pennsylvania. Pittsburgh was formerly wet with beer but has been relatively dried up. Some other communities in the United States have alcoholic beer supplies at intervals from local breweries but the traffic is not well organized.

In some communities it has been possible to obtain injunctions against law-breaking brewers, which have resulted in closing up plants on the ground that they constitute "nuisances." Nuisance injunctions are rapidly becoming an important legal weapon in the hands of the enforcement authorities.

It should be borne in mind, however, that the number of brewers who are producing alcoholic beverage illegally is in the minority, and that the majority of former brewers are coöperating in the enforcement of the prohibition laws.

Little by little the prohibition enforcement machinery in the United States is developing a system which is wear-

ing thin the possibilities of profit in bootlegging. Confiscation of big stocks hits the bootlegger hard. For example, in a recent case in New York, prohibition agents seized in a single raid more than 4,500 cases of whiskey, champagne, wines, gin, and cordials. This has cost the ring of smugglers approximately $300,000. It was reported that the combination of importers and domestic distributors had paid in addition about $150,000 for "protection" on this consignment alone. If that were true, the actual cost of the seized liquor approximated $450,000. Moreover, it was estimated the defendants paid out more than $50,000 in lawyers' fees, swelling the total cost to $500,000.

A half-million-dollar loss is no inconsiderable item, even to wealthy bootleggers. When a trafficker in illicit liquor loses his contraband and his money he is in worse position than that of the ordinary business man who goes into bankruptcy. He is a bird with a broken wing and the chances are he will never soar high again.

Another common complaint among big bootleggers is that it is becoming more and more difficult for them to keep their profits. They say they are preyed on by politicians, public officials, police, and lawyers. The legal profession, of course, includes such a great number of honourable practitioners that the number of dishonourable men in its ranks is relatively very small.

Out of the mass of amazing evidence relating to the conduct on a wholesale scale of the outlaw liquor business in the United States, stand these facts:

The illegal liquor business is organized systematically and conducted in cold blood. Some aspects of the trade and some of the men engaged in it may be regarded by some persons as romantic, but the master minds at the top have no aura of romance about them. They are

commercial beings fattening their purses at the ultimate expense of millions of Americans. They are primary breeders of graft, corruption, drunkenness, and immorality. They are entrenched behind ill-gained riches and they fight ignobly for continuation of a system which if let go unchecked would debauch a nation but yields them wealth.

They deserve neither quarter nor mercy. They must be fought with the same cold, calculating methods which they themselves have adopted. These are the methods and this is the spirit which the enforcement agencies have adopted in hunting down these lawless conspirators.

CHAPTER IX

THE VIOLATOR'S DAY OF RECKONING

PROSECUTIONS of big bootleggers generally are less spectacular than the actual circumstances behind them. A bootleg king may operate a fleet of motor boats, or a caravan of trucks; he may distribute illicit liquor to scores of retail bootleggers, and boast that he controls officials and politicians, yet his conviction may be based on the relatively simple act of selling a single case of liquor. Only a small part of the picture is shown in court.

Behind the bare story related in the court room and reported by the newspapers there often lies a lurid tale with a ramified plot.

An outstanding example of a complicated conspiracy on which prohibition agents worked long and finally brought to a successful climax involved a certain lawyer who obtained financial backing, purchased a string of distilleries in the Middle West, and with dozens of confederates worked out a plan to distribute whiskey in large quantities through four states.

This conspirator first established himself in a Middle Western city, gathered about him his confederates, and proceeded to acquire control of distilleries. From these he withdrew liquor both upon proper permit and fraudulently. He organized a chain of drug and chemical companies, some of them fictitious, whose names he could use in the withdrawal of whiskey and alcohol. He established elabo-

rate offices for the conduct of his various business affairs, and for some time flourished.

His distilleries he "robbed" with his own agents. A big farm was added to his properties to serve as a new base of operations. To this farm came strings of motors bearing prospective purchasers. The license tags on these cars, it was reported, represented almost every state in the Union. Some manufacturing was carried on there, and armed guards were employed to make more secure the operations he already boasted were impregnable.

The principal conspirator, a relative, and other associates became wealthy. The head of the ring bought an elaborate home and did much entertaining.

Finally, by long and tedious work, he and his confederates were apprehended, thirteen in all. Their trial was bitterly contested, but they lost; all in the group were found guilty. They received sentences ranging from a year and a day in prison and a fine of $1,000 to two years' imprisonment and a fine of $10,000. They appealed the case and lost again.

This prosecution affected half a dozen distilleries throughout the Middle Western States, and destroyed one of the best organized illicit distributing systems in the country.

In many respects, that plot was similar to others unearthed in many other communities. Enforcement workers soon learn to identify certain groups and thereafter these groups bear the names of the ring leaders.

In one large city, for instance, were reported to be five or six outstanding groups of bootleggers, each doing business for itself and all coöperating to furnish a common fund for bribery of officials. In another city a bootlegging group consisted of an aged man, several sons, and two or

three silent partners who contributed money and helped market the product.

In still another city a group was made up of a notorious bootlegger, a prominent citizen, and a professional man. This group bought illicit liquor from importers and distributed it in large lots.

Occasionally an independent group consisting of several men pool their rum-running interests but become competitors when the liquor is delivered to them and stored.

In one city where the illicit liquor traffic was well organized, it was reported that a big corruption fund had been raised by bootleggers for regular monthly payments for "protection" to local police. This group was reported to have maintained a fairly extensive pay roll with numerous names thereon.

Government agents have proceeded recently against bootleggers by way of the income tax route, seeking to show that the bootleggers evaded federal taxes. Bootlegging activities are shown by seized records, and efforts have been made to draw forth the evidence of bootlegging guilt while a defendant is on the witness stand testifying regarding his income.

In some cases contemplated prosecutions of bootleggers have failed of their purpose either because local sentiment was against them and placed unusual obstacles in their way, or over-enthusiasm on the part of enforcement workers led to undue haste—and resultant imperfection—in the preparation of the cases. In one instance the guilt of a big bootlegger was circumstantially established but the case failed because of legal technicalities.

This bootlegger owned a roadhouse near a large city and had long been a familiar figure in local sporting circles. Enforcement agents on the case went to his place and learned that a large quantity of whiskey had been

smuggled in from Cuba a few days previously and had been stored in the roadhouse. An employee boasted that nearly a hundred men had been employed to carry the liquor from two boats to the roadhouse.

On the basis of this information the agents made an affidavit and obtained a search warrant which was used in a raid on the roadhouse. There the agents found great quantities of liquor; so much that they were utterly unable to carry it away that night. The next day a truck load was taken out and stored in a federal warehouse. Meanwhile, the bootlegger's attorney complained that the search warrant was defective, inasmuch as it referred to the bootlegger's residence, which, it was alleged, was not in the roadhouse itself. The court cancelled the warrant and ordered the return of the seized liquor.

The Whiskey Rebellion of America's earlier history has almost a counterpart in a recent notorious conspiracy case in which fifty-five residents of a great industrial city of the Middle West were found guilty of conspiring to violate Federal prohibition laws. Five others pleaded guilty. The conspiracy included the mayor, the sheriff, a judge of the city court, the prosecuting attorney of the county, a former sheriff, a former prosecuting attorney, a detective sergeant, a justice of the peace, an influential lawyer and former deputy sheriffs, detectives, policemen, petty lawyers, bartenders, cabaret singers and notorious women, among whom was the so-called "Queen of the Underworld."

It was shown at the trial, which was bitterly fought in the United States Court, that great quantities of whiskey, wine, and other liquors were shipped into the city by trucks, stored there and either sold locally through an extensive chain of corner saloons and "soft drink" places or reshipped to supply the bootleg needs of nearby

communities. Proprietors of places where liquor was sold illegally were protected systematically by the police with the cognizance of higher officials. One proprietor of a "soft drink" establishment was compelled to mortgage his property to raise money to contribute to the corruption fund.

The mayor received the heaviest sentence—a year and six months in the Atlanta penitentiary and a fine of $2,000. Others convicted received sentences ranging from a year and a day in the penitentiary to one day in jail and fines ranging from $1,000 to $100. Police guarded the Federal building while the trial was in progress. The Government produced 930 witnesses to support its charges. Months were consumed by government agents in gathering evidence and preparing legal aspects of the case before indictments were obtained and the cases tried.

The successful outcome of this notorious case had a noticeable moral effect throughout the entire state and no doubt has proved a great aid nationally in the enforcement of the prohibition law.

One of the tragedies of the case was furnished by the murder, two days before the trial, of one of the witnesses for the Government. This witness had been proprietor of a soft drink establishment and was familiar with the secrets of the whiskey ring. He knew too much; his testimony would have been too damaging.

And here there comes to mind a phase of the illegal traffic so sinister in its portent, so feared by those whom it affects, and, withal, so seemingly intangible, that even the most unemotional presentation smacks more of a fantastic tale of the Middle Ages than the facts of 1923.

It is with some delicacy that I present this phase of the wretched business, or, rather, a sketch of what little of that

phase has come to us in this, that, and the other roundabout manner. I do so only because I feel that this narrative would be incomplete were such mention omitted.

In various sections and under various names, according to reports of enforcement workers from time to time, there are maintained, in unwritten record but in the memory of some of the master minds of the nefarious business, lists of the men who have hurt the illegal liquor interests so vitally that only the most severe punishment can even the score. At least, those master minds of iniquity so regard the reckoning.

These men are reported, from time to time, as being marked for death. For the most part, the marked men have been deep in the illicit liquor business themselves and have "double crossed" the bigger operators who have entrusted fortunes in bootleg liquor to their care. In some instances, however, the marked men have been witnesses in important cases against big bootleggers—men who "knew too much." In a few instances of still another character, the men thus marked for destruction are enforcement workers whose skill and courage have resulted in heavy loss to the illegal interests.

The lists thus established are known colloquially as the Red List, the Croak List, and the Death Crowd. There have been other names for those condemned, too; names that floated in, as if by wireless, from time to time to enforcement offices, but the three mentioned above are typical. In every case, the import is the same; the men on the list are intended prey for the assassin.

These lists are not related to the feuds of the moonshiners of the Southern mountains. The latter are of different calibre. The Red List and its kindred are the device of the big bootlegger, so we are informed, and generally the intended victims are other bootleggers who have

double-crossed or trapped or informed upon the "big men" or men in the business.

Upon the life of one enforcement worker, according to information of intangible nature but circumstantially convincing, there has been set a price of $10,000 by a group of men in the illegal business. This worker broke up the machinations of a corrupt confederacy and destroyed well-laid plans for making millions.

In another case, an official of the enforcement force was warned through the familiar "Black Hand" letter that he had been marked for death because of his activities.

In a third case an official of the force was given ninety days, under penalty of death, to "declare for light wines and beer."

In a fourth case, the following letter of warning was received by an official:

> My husband is a member of the Committee of 1,000 and was one of the ones selected to kill you when you come to ——. The men are all desperate men and you are one of the number marked to die.
>
> I do not stand for all he does and do not want to see you killed, so take my advice and stay away from ——, or they surely will get you, perhaps on the way here. They have people in——, watching the train you come on and people here to shadow you all the time. They are also after Mr. —— and they were going to kill —— if he hadn't resigned, and other prohibition men.

In a fifth case, two assassins were in a position to kill an official of the enforcement force, but for some reason refrained from doing so. They wrote him later that they had spared his life because they admired his gameness in coming to a territory after they had warned him, upon penalty of death, to stay away.

In a sixth case, an important government witness in a leading case against a ring of bootleggers was mysteri-

ously killed a few days before the case was called to trial.

In only a few instances, it is reported, has the supreme penalty of bootleg disfavour been enforced and even then the circumstances were such that murder and seeming motive could not be definitely linked together.

Another great moral victory for prohibition enforcement grew out of the conviction of a millionaire wine-maker in California. This man, wealthy and prominent throughout the state, was an outstanding citizen, and when he was arrested on a charge of wholesale bootlegging there was great surprise in all parts of the state and astonishment and even indignation among his friends.

Then the facts came out. His wine company operated several bonded wineries and a bonded storeroom. Wines of various kinds were purchased under permit from other bonded wine-makers, ostensibly for non-beverage purposes, but were diverted by the wine-maker's order, ultimately finding their way to the storeroom. The shortage thus caused by the wineries was covered by unreported purchases from unbonded grape-growers and the excess created at the storeroom was disposed of by his associates who sold it for beverage purposes to some of the most wealthy and prominent citizens. In this way about 22,000 gallons of fine wine were illicitly disposed of.

The wine-maker pleaded guilty to an indictment and was sentenced to pay a fine of $1,500 and to serve three months in jail. Two associates also were fined. About 100,000 gallons of wine were impounded by the Government and the question of the forfeiture of winery property worth about $2,000,000 and of bonds of $60,000 has been presented to the courts.

In imposing sentence, the Court said:

Various people for whom I have a very high regard personally and in every way—an ex-Governor of California, the District Attorney of the third largest county of the State, the ex-president of the Bar Association of that county, and an officer of a great bank—came here and said that this defendant has always been a good citizen. With all respect to the opinion of these gentlemen, I want to take occasion to emphatically dissent. I do not consider he was a good citizen at all.

Another important case on the Pacific Coast arose out of the conviction of the political boss in a big city. He operated a saloon adjacent to the court house and was a friend and close adviser of the criminal element of the city. In March, 1923, prohibition agents bought a quantity of liquor in his saloon and he personally received the money. Then followed his indictment. He vigorously denied all charges of violating the prohibition laws and publicly offered to give $100,000 to charity if the charge could be proved. The charge was proved against him and several of his associates, and he was sentenced to pay a fine of $1,000 and serve twelve months in jail.

Charity, so far, has failed to receive the hundred thousand dollars, but bootleggers received a shock from the downfall of their mentor. The result has been good for the cause of law observance.

The brewery situation in a certain lake city has been difficult for a long time. The shrewdest methods of escaping detection were adopted and the most persistent and defiant violators employed professional gunmen to guard the premises, obstruct the entrance of federal officers, act as outposts and escort fleets of beer trucks from their premises. The Government eventually secured injunctions against some breweries and stopped their operations. A number of brewers entered pleas of guilty. Recently one of the largest plants was seized.

Another brewery in a near-by city also was closed by injunction proceedings which branded it as a "nuisance," The president, secretary, and brewmaster were each sentenced to one year in the penitentiary and fined $1,000.

In 1920 several breweries in an Ohio River city began to manufacture and sell vast quantities of alcoholic beer. This resulted in the seizure of three of the largest breweries and the temporary cessation of the beer trade. In the latter part of 1922 the traffic broke out again, however, but prompt measures taken by prohibition enforcement officials once more stopped the illegal business and now the city is relatively dry.

At that time it was learned that a receiver for a bankrupt brewery used exorbitant profits made from illegal manufacture and sale of alcoholic beer to pull his brewery out of a hole financially. The receiver himself, however, fell into the hole. He was convicted of selling beer, fined $6,000, and sentenced to serve eighteen months in the federal penitentiary at Atlanta. Several associates were convicted with him.

This man was compelled as receiver to keep records which would stand court inspection, and records of bootleg profits do not fit this requirement. So canny Mr. Receiver took the difference between the price which would have been paid for near beer and the high rates actually received for strong beer and put it in a separate fund in his bank. Part of the money was kept in a safety deposit box and part in a separate bank account.

In another city, a factor in the illegal beer traffic was a brewer who was fined on a charge of selling high-powered beer and who, in spite of his established guilt, was elected and now is serving as the mayor of the city. He ran upon a beer platform to bring back the "good old days."

New Jersey, as is generally known, is a stamping ground for bootleggers doing volume business. Here they ply their illegal trade almost openly. They boast of their success in avoiding prosecution, and of buying off dangerous men; they employ confederates, they take partners, they form alignments and realignments with various bootleg groups. Here also many bootleggers have come to sorrow and scores have gone to prison.

In the early days of prohibition there existed in New Jersey a notorious bootlegger who organized great groups of liquor smugglers and whiskey transports. He supplied scores of retailers in New York, New Jersey, and Pennsylvania with a high-class product and they looked up to him as their "king." Yet the end came for him and he was sentenced to serve three years in the penitentiary. This sentence was later reduced to six months; but the "king of bootleggers" is no longer a power. In some of his operations were involved a drug company and about fifty other defendants.

Another long-established bootlegging ring was organized about two wine and liquor dealers of a city in New Jersey and thirteen bootleggers including two police detectives. They were indicted and their business was broken up.

One Western state produced a rank crop of bootleg weeds which were mowed down. Out of a single extensive investigation grew the conviction of a number of dishonest enforcement workers, a bank president, fourteen wholesale liquor dealers, a lawyer, and a deputy collector of internal revenue. These men were engaged in a wholesale scheme to distribute liquor. The total amount of money used in the transactions was estimated at $4,000,000. The aggregate of sentences drawn by the convicted men was thirty-one years in prison and the total amount of fines imposed was $167,000.

One of the principal defendants was a prominent attorney. He had been badly in debt and thought it would be a good idea to make a lot of quick money by bootlegging. He found the idea excellent, except for the fact that he was caught, sentenced to five years in prison, and fined $14,500. The prohibition director of the state and a prohibition inspector were disloyal to their government in conspiring with the liquor men and each was sentenced to two years in prison and fined $10,000. The chief prohibition agent of the state was convicted of bribery and sentenced to seven years in the penitentiary with a fine of $16,000.

In one city there was a drug company which made a proprietary medicine containing whiskey. The company did a thriving business; apparently thousands found its "remedy" to be excellent. Enforcement workers found that the formula had been modified to the extent of omitting all medicinal ingredients and retaining only the whiskey. The principal official of the company, who was also a participant in various other shady liquor transactions, was sentenced to serve two years in prison and was fined $10,000 and costs. Various others in the case also were convicted.

This case is typical of scores of instances in which whiskey, wine, or grain alcohol was withdrawn under legal permit for manufacture of medicines on approved formulas only to be used later in an illegal manner.

Two barbers made an alcoholic tonic to grow hair. Their business also grew. After prohibition, throughout Ohio and Pennsylvania hundreds and then thousands of men used the hair tonic. The barbers made a fortune. Enforcement workers, however, found one day that the tonic was not being used on the hair. Three years in the penitentiary and $11,000 fine was the result for the barbers;

other defendants, including one prominent lawyer, suffered similarly. The hair tonic is not now on the market.

In New York City four brothers, prominent in society, solid in financial circles, did an exporting and importing business and prospered until it was learned that they also were the principal distributors of bootleg whiskey to important clubs and cafés. They received jail sentences.

Over in Brooklyn four brothers operated a warehouse. They attempted to bribe high officials in the office of the New York prohibition director to issue fraudulent permits for the removal of large quantities of whiskey stored with them. Two prohibition agents were authorized to negotiate, and the bribe was arranged at a Riverside Drive home. It did not work, however, and the four conspirators were sentenced to two years in the penitentiary and fined $10,000 each.

Another Brooklyn bootlegger interested a former cashier of a prominent bank in the profitable business of selling illicit liquor. The former bank man embezzled $149,000 from his bank to furnish operating capital and they did a good business until they were uncovered. A relative of the principal bootlegger is reported to have developed a bank account of $142,000 largely from the bootlegger's transactions. Prison sentences ended the business.

A federal secret service man resigned from office to conduct a private detective agency in Philadelphia. He undertook to furnish men to guard liquor shipments from a distillery to the proper seaport for export to Greece. Somebody devised a scheme to siphon the whiskey from the barrels, fill them with water and export the water to Greece. The transaction resulted in the bribery of a number of government workers but was uncovered by an honest customs guard. The former secret service man and

eleven others were convicted and sentenced to the penitentiary.

Twenty bootleggers organized a group to conduct a wholesale liquor-distributing business throughout Ohio, Pennsylvania, and Indiana. They were detected and brought to trial and although one of the government witnesses was assassinated, convictions and prison sentences were obtained.

In a Western city, early in 1923, was uncovered a great liquor conspiracy involving the sheriff, deputy sheriff, chief of police, city detective, and a prominent physician of the city. They were brought to trial and convicted and the successful outcome had a wholesome effect on enforcement in the entire state.

One of the biggest early liquor rings on the Pacific Coast was directed by a prominent politician and former mayor of a California city. After he was indicted on a liquor charge he boasted that he had been indicted seventy-nine times but never convicted. His luck changed and he drew two years in prison.

In a Middle Western city the municipal judge conspired with others to sell whiskey. They were caught and ten men were convicted. The judge was given justice in the form of a two-year prison sentence.

One young violator thought it would be a good plan to cultivate the acquaintance of a girl clerk in the office of a state prohibition director and to obtain her help in stealing letters, telegrams, and other documents from the office to aid him and his friends in selling large quantities of whiskey. He did it successfully for a time but now he is serving ten years in prison. He is also under indictment for paying a bribe of $6,500 to government agents.

Two brothers, whose case attracted wide publicity, are determined bootleggers. They did an immense bus-

iness smuggling liquor from the Bahamas. They were caught and one of them tried to kill a prohibition agent. They were tried, convicted, and sentenced to prison but they carried on for a time their smuggling business even after sentence had been passed.

So reads the record. The typical stories could be multiplied many times, for the Federal Government is reaching the "big operators"—the "higher ups"—with ever increasing success. One finds upon the Roll of Dishonour proud old names long worn without stain or blemish now close-linked with names that have been a byword in the demi-monde of half a hundred cities. One finds names that once epitomized honour and power and community esteem, steeped in the same befouling brew with the names of thieves, thugs, and murderers. The illegal liquor traffic is as an open sewer polluting all who enter therein.

CHAPTER X

CONSPIRACIES, INTERNATIONAL IN SCOPE

THE history of prohibition enforcement during the past two years abounds with international conspiracies to thwart the law and impose a fraud upon the American people. Machinations of certain American whiskey sellers and foreign buyers—or sometimes it is a foreign seller and an American buyer—have been on a colossal scale and the utmost vigilance has been necessary to prevent the wholesale flouting of our dry laws by conspirators living under different flags.

If we believed the tales of all who apply for export permits we would naturally come to the absurd conclusion that the whole world is sick and desperately in need of distilled spirits. Whiskey can be exported legally from the United States only for non-beverage uses. Almost everywhere in Christendom, they would have us believe the cry is for American whiskey and more of it.

England, Scotland, Canada, Germany, Greece, Cuba—even Nassau of the Bahamas, Glory of the Rum-Runner—are placed in the light of being in the throes of great epidemics which only American whiskey can cure.

Irony of ironies—a wet world, come to dry America to beg for liquor!

The facts? Why bother with them? What matters it—to those who wish to buy or sell American liquor—that a large percentage of these applications for permission to export whiskey and alcohol are attempts at bare-faced fraud, and that the liquor sought ostensibly for export in

reality is intended for reëntry, via the rum-runner and the smuggler, into the United States?

Some of the applications are bona fide. Every effort is made through impartial investigation to determine the facts, and approval or disapproval is based upon the result.

During a recent period of nine weeks there were received, from distillers and other legal owners of whiskey in the United States, applications for permits to export about 1,128,000 gallons of American whiskey. In every case the foreign consignee made affidavit that the liquor was to be used only for non-beverage purposes.

These applications were subjected to careful analysis and examination. Here is what happened:

Applications to export about 70,000 gallons of whiskey were approved. Applications to export 151,000 gallons are under inquiry at the time of this writing. Applications to export 907,000 gallons were denied.

Why? Because a thorough inquiry into all phases of the proposed transactions failed to convince the department that the liquor covered by the applications would be used, in fact, for non-beverage purposes. In some instances there was a strong presumption, amounting almost to conviction, that the liquor would be diverted at once to illicit channels in this country.

During the same period we received applications from importers who wanted to bring into the United States—solely, their affidavits said, for non-beverage purposes—nearly 143,000 gallons of wine and 2,750 gallons of brandy. Notwithstanding the fact that we have in the country at the present time a quantity of wine seemingly sufficient to meet every legitimate requirement, the representations were made that this wine, because of peculiar and beneficial properties not found in domestic wines, was urgently needed here.

Much of the wine was wanted for church use. In numerous cases the plea was made that for many years church members had used for sacramental purposes the particular kind of wine for which the application was made. Some of the brandy, importers represented, also was wanted for sacramental purposes.

Permission was granted, in justifiable cases, to import about 26,000 gallons of wine, or less than one fifth of the amount sought.

Some of the applications bore on their face plain indication of ulterior intent. For instance, a certain church official had signed a supporting document in which he said that for many years the men and women under his spiritual guidance had used in their devotions wine of a certain kind made in Spain. A similar document supporting a second application testified above his signature that his flock had always used wine of an entirely different kind made in France.

Even though the Government is desirous of aiding in every way the legitimate importer and exporter, what can be done in such a case as the one in question?

The million-gallon whiskey shippers were going to send their whiskey, according to applications, to the following destinations:

Scotland, 668,000 gallons; England, 85,000 gallons; British Columbia, 92,000 gallons; New Brunswick, 40,000 gallons; Germany, 11,000 gallons; and Cuba, 4,500 gallons. That made up virtually the entire total of the 907,000 gallons to export which permission was denied.

Does any one acquainted with the facts seriously believe that Scotland, home of whiskey exported the world over, really needs 668,000 gallons of American whiskey for non-beverage purposes? Does any one imagine that the province of British Columbia, where American whiskey is

virtually unknown save to the few export houses and bootleggers along the coast and border, has dire need for 92,000 gallons?

What does Cuba want with 4,500 gallons of American rye? And what would New Brunswick do with 40,000 gallons of our liquor which could legally be dispensed only to the ill?

Had the applications been granted, much of this exported whiskey probably would have been back in the United States, watered down, doctored, and peddled by bootleggers within from thirty to ninety days after its departure from our shores. We have actual proof in many cases of just this practice. American whiskey, exported to British Columbia for non-beverage purposes only—upon affidavits of the Canadian importer—has been picked up by prohibition agents in the haunts of California bootleggers, seized on motor boats plying between Pacific rum runners and the coast, and found in the city of Seattle and other points near the Canadian border where it had been illegally transported across the line by bootleggers in automobiles.

Nor are the attempts to violate the American law confined to the residents of those countries I have already mentioned. The prevalence of cholera in India has been advanced as a basis of export of American whiskey, and affidavits have been presented to set forth that other whiskey applied for was intended for non-beverage use in Africa.

These applications were denied where the conclusion was reached that the liquor, far from going to India or Africa where there is only microscopic demand for American whiskey, was to have been diverted to the rum-runners off the Atlantic Coast.

International conspirators against the American prohi-

bition laws are both ingenious and persistent. Their representatives again and again have exhausted every apparent resource and the cases have been closed against them only to be revived with the filing of entirely new applications covering virtually the same ground and necessitating procedure almost as lengthy as in the first place.

One firm, for instance, sought not long ago to export several hundred drums containing thousands of gallons of alcohol to Nassau, headquarters of the rum-runners' Atlantic fleets. The applicant's representative was in a great hurry to obtain the necessary permit and appeared in person.

"We've made all arrangements to have this go by steamer day after to-morrow," he said. "We've engaged the space and the consignee will be looking for the shipment when the boat gets in. If we can't get it off by that boat, we stand to lose a great deal of money."

The official looked at the application and then at the visitor.

"Do you mean to tell me," he demanded, "that Nassau, the wettest spot in the Atlantic Ocean, needs this great quantity of American alcohol and needs it now?"

"I certainly do," the shipper's representative blandly replied.

We promised to make a decision within twenty-four hours. We cabled to proper authorities at Nassau, asking them to cable back at once the reputation for square dealing borne by the proposed receiver of the alcohol in Nassau. Within a few hours word came back that the receiver's reputation was bad and that he apparently was hand in glove with the rum-runners to the American coast.

The application was denied. Whereupon the would-be

shipper exercised his right and appealed to higher authorities.

In the re-investigation we were asked for the facts in the case. We explained briefly the situation and exhibited the cablegram from Nassau. The intending shippers, not expecting such evidence, immediately dropped the case.

In another instance permission was sought by a San Francisco firm to export 250 barrels of American whiskey to Tia Juana, Mexico, just across the line from San Diego. Tia Juana, it might be remarked, is one of the wettest spots in Mexico.

"Do we understand you to say that these 250 barrels of whiskey are urgently needed for medicinal purposes in Tia Juana?" the applicant was asked. He replied that such was the case, and was told that he must produce reliable and trustworthy evidence or not a drop of this liquor could go forward. Needless to say, such proof was not forthcoming.

At times it has been advanced that the foreign merchant knows little of American laws and regulations, and initiates a transaction upon an irregular basis. A case in point concerns a firm in Scotland and a so-called drug company in New York.

The drug company obtained a permit authorizing the importation of wine for non-beverage purposes. On that permit it imported about 4,500 cases of Scotch whiskey. As a permit for wine clearly did not cover the importation of whiskey from Scotland, the 4,500 cases were seized and an investigation was started.

In this inquiry it was brought out that the shippers in Scotland claimed that they had been unaware of the illegality of the transaction and had acted in good faith in filling the order which they were led to believe had been

properly authorized. They retained a large financial interest in the shipment and its confiscation would have meant a heavy loss to them.

Accordingly, after thorough inquiry, the shipment was ordered returned to Scotland. It was sent back in the custody of two prohibition agents whose fare and other expenses were paid by the firm in Scotland.

In British Columbia, where certain export houses in the past have imported American whiskey on the representation that it was to be used only for non-beverage purposes and such whiskey was subsequently found in the hands of American rum-runners, one exporting firm had a code which it supplied to its patrons across the border for their use in telegraphing orders. The order, it should be explained, must be placed from outside the province to comply with Canadian law. Here for instance are some code words for certain brands of American bourbon, as they appeared in this list:

"Hay—Old Crow.

"Helm—Old Hermitage, 11 summers old, $48 per case.

"Hemar—Old Crow Dis. Bott. at $46 per case.

"Hump—Old Grandad Bourbon at $46 per case."

This house, according to its code list, which had very general circulation, carried in stock last February more than 100 brands of various kinds of whiskeys, gins, wines, champagnes, liqueurs, etc. It was forbidden by the provincial law to sell liquor except for export, or to provincial authorities. One can easily imagine the destination of its exported goods.

An investigator of whom a British Columbian whiskey exporting house doubtless had never heard, wrote to this house last winter from a small town in Montana.

"I have some money to invest in the near future," the agent wrote, "and wish you would quote me prices on

different brands of liquor. Will be in your town about the first of March with four Cadillacs and want a little information before I leave here. Am just waiting here now for roads to open."

By return mail he received in reply a mimeographed sheet of which the following is a deleted copy:

TO THE TRADE:

BUSINESS AS USUAL—IN THE WINTER TIME

We are taking this opportunity to extend you our greetings and to advise that you are no longer obliged to discontinue operations in the Winter time, unless you wish to. The facilities now at our disposal make this possible. We ship (by freight) either from here or from across the line, which we find is quite safe and not very expensive. If interested, please communicate with us and we will be glad to furnish you with any further information you desire.

We carry at all times a large and well assorted stock of all the best known brands and handle only strictly imported bottled in bond goods. Also, with the consolidation of all the warehouses here into one large firm, the danger of possible "tip-offs," etc., has been entirely eliminated.

We strongly recommend a trip here, which we are satisfied will be very advantageous to you, at which time you can obtain firsthand information and go over the ground personally and which information would also be of value to you for further transactions as well.

Very sincerely yours

One sentence stands out in striking relief. I quote it again:

"*Also, with the consolidation of all the warehouses here into one large firm, the danger of possible 'tip-offs', etc., has been entirely eliminated.*"

The license fee levied by the province on liquor export houses was raised from $3,000 to $10,000 a year for each warehouse or place of business with an additional license

fee of $10,000 a year for each person acting as agent for the license in keeping liquor for export or in exporting it from the province. The cost of doing an export liquor business in the province, therefore, was made exceedingly high.

The stock of liquors held by a number of firms which consolidated was taken over and held for sale at Vancouver. The consolidation also has warehouses at Victoria, Grand Forks, Fernie, and Prince Rupert, in each city being a consolidation of firms which had previously been competitive and independent. In that manner the export liquor firms in British Columbia organized, in part, with a view to distributing among themselves the high license overhead of doing business. So far as the provincial laws are concerned, the exporting houses are doing a legal business in exporting whiskey, even when such exports are frankly consigned to the United States.

Not long ago an investigation was made in British Columbia to ascertain conditions there, particularly with reference to the demand in Canada for American whiskey for non-beverage purposes and the character of the export trade which these houses satisfied. It was found, on authority unimpeachable, that nowhere in Canada is there the slightest demand for American liquor for medicinal or sacramental use. In the Province of Ontario, indeed, the License Commissioners had been holding for more than two years approximately ninety-five cases of Green River whiskey bottled in bond and in original packages apparently exported before the passage of the Volstead Act. They had been unable to make any use of the whiskey except to redistill it for the purpose of obtaining its alcohol content for industrial use.

There were pending at one particular time I have in mind, applications from American distillers to export and

from certain British Columbia houses to import whiskey from the United States in the following amounts:

500 barrels.

56,470 gallons.

17,000 cases.

In other words, certain British Columbia export houses were endeavouring to bring into a country where there was not the slightest demand for American whiskey a veritable torrent of liquor from the United States, valued up in the millions of dollars.

For what purpose? To export for non-beverage use. Where?

On the public counter of one of those establishments the investigators, while waiting to see an official of the firm, found a pad of printed order and affidavit forms evidently intended for use by purchasers of whiskey. The affidavit, printed on the bottom of the form, read as follows:

I, (name in full) ....., Address....., Occupation....., DO SOLEMNLY DECLARE

(1) That I am *a citizen of, and residing in the United States of America.*

(2) That the said liquor will be forthwith transported by me without the province of British Columbia.

(3) That the said liquor is solely for use and consumption without the province of British Columbia.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act."

DECLARED BEFORE ME at Vancouver, B. C., this (Signed) .....day of ..... A. D., 192..) .....

A Notary Public in and for the Province of British Columbia.

An affidavit in that identical form, but bearing a different address, had been found two days before in a

bootlegger's car loaded with whiskey and seized near Colville, Wash.

During the course of their business at Vancouver the investigators were asked if they desired a copy of the form of affidavit used by the firm in exporting tax-paid liquors from the province. Upon receiving a positive reply, an official of one of these export houses left the room and returned with what he represented to be the form. It is copied below, attention being called to the variation from the wording of the form of affidavit on the public desk:

"I, (Name in full)....., Address ....., Occupation ....., DO SOLEMNLY DECLARE

(1) That *I am a citizen of, and residing outside the Province of British Columbia.*

(2) That the said liquor will be forthwith transported by me without the Province of British Columbia.

(3) That the said liquor is solely for use and consumption without the Province of British Columbia.

(4) *That the said liquor known as American Bourbon is used solely for medicinal purposes.*"

The rest of the affidavit is identical with that cited in the first instance and the italics in each instance are mine.

Subsequently these investigators interviewed the manager of one of the companies seeking, at the time, to obtain importations of about 5,000 cases and 14,000 gallons of American whiskey. The affidavits of that company's manager, and of the American distillers desiring to export the liquor, were on file stating that the liquor would be used purely for non-beverage purposes.

The manager told the investigators that he previously had received importations of American whiskey from the United States and that he had disposed of such whiskey by sale to the various Liquor Control stores of the provinces

of Alberta, Saskatchewan, Manitoba, and Ontario, and by sales to persons in the Orient who had made affidavit that they would export such whiskey out of the Province of British Columbia for non-beverage uses.

He also said that there was considerable non-beverage demand for American whiskey in various parts of Canada and that the demand was increasing; that he expected to sell further importations to the provinces named above; and that he expected more non-beverage business from the Orient.

Investigation had previously disclosed that none of the Liquor Control stores in any of the provinces had purchased for years a single quart of American whiskey from any Canadian export house.

While the investigators were talking with the manager of this company, he was interrupted by a telephone call. Addressing the man at the other end of the wire by the name of a man who had before that time been convicted in the United States of violating the National Prohibition Act, the manager wrote down on an order blank under this name certain quantities of whiskey.

An order sheet of the Company, similar to the one employed by the manager during his telephone conversation, and showing the sale to "——" of Seattle, Wash., of fifty cases of whiskey, was taken from the pockets of bootleggers who were arrested in Seattle in November, 1922, convicted, and sentenced for violation of the National Prohibition Act. With the order sheet were taken two copies of a customs export entry showing exportation to one of the bootleggers, at Seattle, Wash., by this company from Vancouver "via gas boat" of fifty cases of assorted liquors. The customs entry purported to have been signed by the manager of this company.

The investigators, of course, said nothing of this to the

manager. Instead, they addressed a letter to him, couched in courteous terms and requesting further information for consideration in connection with the pending applications for the export of American whiskey to his establishment. The following paragraph of their letter is significant:

> If you have disposed of any of the (American) liquor so imported or purchased (in the past) will you kindly supply us with a statement showing the names and addresses of your vendees, the kinds and quantities of liquor so sold, the dates of sale and shipment, its destination, and, if exported from the Dominion or Province, the port or place of exit.

There has been no reply to this request for information. Nor is there doubt in my mind why.

Instance after instance of this sort might be cited untill the reader would weary of their sameness. For the story is the same. There is no market in Canada for American whiskey other than the bootleg market. Case after case of American liquor, still in its original containers and bearing the telltale expert markings which identify it both as to exporter from the United States and Canadian importer, has been run in upon the California coast from rum ships hovering, like buzzards, off the three-mile line. A few instances are typical.

On July 7, 1922, there were seized at San Francisco 389 cases of whiskey which smugglers were attempting to land. Of the lot, there were eighty-three cases of American whiskey in original cases with the markings showing that they had been imported in December, 1921, from an American distillery to a certain liquor house at Vancouver.

On August 11, 1922, sixteen barrels of American whiskey were taken from bootleggers at San Francisco. Among the

barrels were some with markings showing that they had been exported from the United States to one of these export houses at Vancouver.

On March 30, 1922, there were seized at San Francisco, twenty-eight cases of American whiskey which had just been landed from a smuggling boat. A check of the serial numbers of these cases disclosed that they were a portion of a shipment made from an American distiller in November, 1921, to an export company in Alberta, through Blaine, Wash., to Vancouver.

On March 22, 1923, officers caught red-handed a party of smugglers at Long Beach, Calif., in an attempt to land 138 cases of liquor. The liquor was taken and eight persons were charged with conspiracy to violate the National Prohibition Act.

One of the men arrested claimed that he was the secretary and treasurer of one of those export houses. There was found on his person a list of different kinds of whiskies with the prices thereof, amounting to more than $26,000. He explained this document to the police by saying that it was a list of whiskies sold by him in Canada to two of the men arrested with him. He added that the whiskey had been shipped ostensibly for Mexico but in reality to be landed on the California coast. He had come to Los Angeles, he said, to collect the balance of the money due therefor.

The American whiskey cited in these instances and others preceding them was exported on the strength of affidavits submitted by the Canadian importers that it would be used only for non-beverage purposes. Of what value are affidavits in such cases as these?

Is there wonder, in the light of these experiences, that the Government requires wholly convincing proof before it will grant any application for permit to export?

Of course not. The exercise of ever increasing vigilance over exports and imports of liquor has made the repetition of such violations of our law extremely difficult and gradually, but surely, is throttling the illicit international trade.

CHAPTER XI

THE HIGHJACKER

THROUGH the dark ways of the illicit liquor world one word strikes terror to the hearts of those who will face the muzzle of an agent's gun without a quiver.

Highjacker!

He is the criminal who preys upon criminals, taking by violence that which was obtained by stealth. He is the lone gray wolf on the heels of the coyote pack. And in his heart is neither mercy for the victim nor fear of the avenging law.

Where the rum ship runs, the highjacker is a deep-sea pirate, more cunning than Kidd and more desperate than Flint, sailing a fast ship under a black flag to the spirit of Billy Bones's motto—"Dead men don't bite." On the inland thoroughfare where high-powered motor cars run illicit liquor to the cities, the highjacker is the terror of the modern highway and in his trail are murder and sudden death.

No formal complaint is lodged against the highjacker by his victims who escape with their lives. In the nature of the case that must be true. Whether pirate or brigand, the highjacker selects as victims only those not entitled to the law's protection. The victims themselves are engaged in crime; if they came to the authorities to complain they would, in effect, write out their own commitment papers to the penitentiary. If he falls into the hands of

the law, the highjacker is highjacker no longer but bootlegger or bootlegger's agent. When the highjacker has completed his hold-up and got away with the goods, he becomes a bootlegger, disposing of his loot as does any other bootlegger.

Our knowledge of highjackers comes in scrapes through underground channels. Wherever our men can put a pipe line to the inner circle of bootleg councils, they bring in word of the boundless dread of highjackers in which the whole illicit fraternity lives. Sometimes an anonymous letter brings in a scrap of information. Once in a while, a bootlegger apologizes for resisting our men, saying, "I thought you were highjackers." In the main, however, the evidence is grim and silent—a bullet-pierced body in a clump of bushes; an automobile standing by a lonely road with a dead man at the wheel; a drifting ship, crew and captain gone, decks littered with the wreckage; violence and bloodshed written where all may read.

There is no knowing or guessing the extent of highjacking and of the violence which goes with it—of seamen slain on the decks of their criminal craft; of good ships first gone wrong and then to Davy Jones; of landsmen murdered along the inland highways.

The story of the highjacker reads like a tale of bygone days when might made right; unhappily, it is neither history nor fiction but a record of the facts of 1923.

Piracy against the rum craft is rampant from the Caribbean to the Grand Banks. It prevails, too along the reaches of the Great Lakes where little boats run whiskey across from the Canadian side, and on Puget Sound where the ships slip out to smuggle cargoes of whiskey into the states along the Pacific Coast.

Automobile roads across the Canadian border, and across the Mexican border, too, have their bands of high-

jackers; so does the inland country, east, west, south, and north. In short, we know that wherever criminals go with illicit liquor the chances are that other criminals wait to take it from them.

There is a sort of organization among the bootleggers and those who supply them with their wares. It may be loose and it may change from day to day—in fact, it is loose and does change—but generally the man who peddles liquor in any city of the country could not be sure of his supply were it not for the organization which links him with the moonshiner or the smuggler. But the highjacker plays alone. Of all the motley gang, he goes it alone. He may have a partner, or he may hire a gunman or so, but he has no undertaking with any other highjacker or with any branch of the illicit trade.

Dry-land highjacking is, perhaps, eighteen months old. It began to develop when the supply of genuine liquor ran low. Its object was high-class goods. To this day, the highjacker pays little attention to moonshine or the synthetic liquors made from pure or redistilled denatured alcohol.

Stories of highjacking first appeared in the neighbourhood of New Orleans, though it probably sprang up all over the country at about the same time. To-day, it is impossible to say that there is more of it in one part of the country than in any other.

Along the Canadian border from Maine to western New York, and again from Minnesota to the Pacific Coast, highjackers operating along automobile highways crossing the border generally have fast, high-powered cars. Apparently they watch from some convenient place, probably a town near the border, for the passage of illicit liquor cars. The highjacker times himself to overtake the labouring liquor car at a point along the road of his own choosing.

Most of these meetings probably are bloodless but some of them, on the other hand, without doubt, are deadly. The desperation with which the average bootlegger fights the highjacker and the relief he manifests when he finds, occasionally, that he has been halted by an enforcement agent, prove that the highjacker does not deal gently with those whom he robs. Bootleggers say that the highjacker frequently shoots from pure cruelty.

Up to this writing, there has been no three-cornered encounter of bootlegger, highjacker, and enforcement agents. Agents have struck the hot trail of the highjacker, however, almost immediately after a hold-up. The highjacker travels fast. Some of the agents, particularly those operating along the Northwestern border, believe that highjacker cars are frequently geared for higher speed than the cars used by automobile drivers generally.

Along the coasts of the Atlantic, the Gulf of Mexico, the Pacific, the Great Lakes, and Puget Sound, the highjacker operates to some extent along the automobile routes, but his main effort appears to be intercept liquor at the point of landing, sometimes holding up the crews of the small boats used to bring the liquor ashore, sometimes waiting in concealment until the boat is gone and the liquor is ready to be concealed or taken away.

On the Great Lakes, on Puget Sound, and probably on other waters where conditions are favourable, highjackers frequently operate in swift little motor boats, intercepting their victims far enough off shore to be out of range of observation. Many small boats on the Great Lakes are engaged in smuggling liquor from Canada. If two or three are scuttled or set adrift by highjackers, nobody is the wiser except the band of outlaws who owned them, and they keep silence. Complaint to the authorities would be confession of their own misdeeds.

Puget Sound with miles upon miles of indented coast is another rum-runner's hunting ground which is frequently turned into an inferno by the highjacker. Whiskey crosses Puget Sound en route for three destinations. Some cargoes go legitimately to Mexican points on the Pacific, from which some of the liquor is later smuggled across the border into the United States. Another portion is consigned to Mexican ports which it never reaches, being surreptitiously landed on the coast of Washington, Oregon, and California. The third portion is transported in small boats for landing at obscure points along the American side of the Sound. These shipments are the special prey of the highjacker, although the others by no means wholly escape him. When the little boats are intercepted, generally it is when they land.

In Puget Sound were found the only dead bodies of highjackers thus far brought to the attention of the authorities. Two men in a motor boat held up a larger vessel, transferred its cargo to their little boat, piling the whiskey high on deck, and then, evidently tired by a night of watching and the strain of encounter, went to sleep on deck. The boat careened, the cases toppled upon them and crushed them to death.

While the bootlegger for obvious reasons does not inform on the highjacker, the highjacker does sometimes turn informer against the bootlegger. In such cases, the highjacker generally does so because the bootlegger is receiving "protection" from local or other officers. A case of the kind which occurred in Louisiana furnishes an illustration of the big prizes for which highjackers play. In this case, the highjackers were thwarted not by bootleggers but by policemen acting as guards. The disappointed highjackers went to the prohibition agent with their story. The agent said:

I was awakened by Local Agent ——, who had four men with him. These men are what are known as highjackers—that is, whiskey thieves who prey upon bootleggers. They informed me of a large quantity of stored liquor which was to be moved before daylight, with alleged protection of two policemen.

The highjackers said they had witnessed the unloading of this whiskey from a boat and that two officers were present during the unloading as protection against them. I accompanied these men to the premises, where we lay in wait until 5 A. M., meanwhile having secured search warrants, and finally seized liquor and champagne said to be worth between $50,000 and $75,000.

We found the place filled with sacks, casks, and cases of liquor. The rum was piled high in the corners and lay all over the floor. The champagne was in a separate room and was half covered. I am satisfied that they had protection as related and I am certain of securing sufficient evidence for arrests.

A somewhat similar case occurred in San Francisco, in which three members of the police force were arrested. The highjacker's conception seems to be that he and the bootlegger are in a lawless contest between themselves and that if the local police choose to "take sides" with the bootlegger it becomes the duty of the highjacker to "tip off" the prohibition agents.

There are no records of highjackers having sought or received aid from the police. There is, however, the story of one policeman—who was at the time the acting Chief of Police of Seneca Falls, N. Y.—who himself is alleged to have turned highjacker and, with the aid of a motorcycle, to have held up rum-runners as they came through the Montezuma Flats, a stretch of desolate swamp some miles from town. He was arrested, was charged with possessing and transporting illicit liquor, was removed from office, and is now awaiting trial.

Again, a Montana sheriff and the chief of police of the principal town in his county operated together for some

time, under cover of their official positions, as highjackers, confiscating liquor and liquor-carrying cars in their official capacity, then selling the liquor and appropriating the cars to their own purposes. Finally they were caught, convicted of malfeasance in office, and are now serving sentences in a Montana penitentiary.

In another Montana county, the sheriff and his deputies attempted to play the same game, but their first hold-up brought suspicion upon them, and their loot, consisting of whiskey and an automobile, was seized by Federal officials.

Occasionally, as these instances show, a police officer is hand in glove with bootleggers in resisting highjackers while, at other places, an official occasionally turns highjacker on his own account. These, however, are exceptional cases. Highjacking requires all the energy a man has to give. The officer of the law who turns highjacker ordinarily turns after he has surrendered his badge or had it taken from him. Of this, too, a Montana case is the best example.

The leader of a gang at Havre, Mont., was reputed to be a man who had experience both as a constable and as a deputy sheriff. He and the two men associated with him operated in a high-powered automobile. They were familiar figures about the town of Havre. Their plan was to make advances to whiskey runners passing through Havre toward Canada, frequently piloting them to the export house on the Canadian side. Having learned the plans of the runners, the Havre gang would return to the American side and lie in wait. If the returning runner laden with illegal liquor attempted flight, the gang would "run him to slow death" or shoot his tires or gas tank to pieces. At other times the gang blocked the road on narrow grades and bridges, seized the liquor and sent the runners, glad to escape with their lives, on their way.

Unusually elusive while adhering strictly to the practice of highjacking, the Havre gang came finally to grief by turning house-breakers for the sake of a rich stock of bootleg goods. At last, a bootlegger could make a complaint without confessing his own guilt. The result was that two members of the gang voluntarily surrendered, and the leader fled.

Sordid enough is the story of the highjacker ashore. His brother afloat has a touch of the lawless picturesque and with it the air of deeper mystery which always attaches to things done where there are no other ears to hear or eyes to see—between the blue blankets of sea and sky. Let me introduce the subject by quoting the colourless language of an official anent the piracy situation:

> Within recent months, information has been received that many pirate ships are operating along the Atlantic Coast. Their method of operation is to learn of the destination and route of a boat regularly engaged in smuggling from the Bahamas and then overtake it, overpower the crew, and remove the cargo of liquor to the pirate boat.

Much could be said on this subject in addition to mere reports that pirate boats are operating. There are reports of stranded wrecks, their crews missing and unaccounted for since they put out to run a cargo of liquor on the American coast. In some cases the marks of battle are upon these wrecks, showing the fight they made on the pirate raiders. There are reports of boats whose crews, though put in irons and left to their own devices, were able to make their way back to their home ports. There are stories of pirate crews that have gone ashore in the rum-soaked islands of the Bahamas and coolly filled the holds of their vessels from hoarded stores of liquor on land.

Recently there came to my attention a Nassau paper which gives an account of a raid on the liquor dealers' row in Grand Bahama. It reports the landing at the settlement of three men, "ostensibly for the purpose of doing the regular business." The translation of "the regular business" of course is smuggling. They shortly, however, disclosed their true mission as robbery. "With little time lost," the paper says, they held up all the places of liquor row one after another, bagging some thousands of dollars "mostly in United States notes," and made their getaway in a fast motor boat which was assumed to have brought them from the Florida coast.

Notwithstanding a face bandage assumed as a disguise, one of the trio of bandits was recognized, the paper asserts, as "an individual who had done business at the settlement on several previous occasions." In plain words, he was a smuggler running amuck with his companions among the dealers who previously had profited greatly by his operations.

The case of the schooner *Abaca Bahamas* is, perhaps, typical of what is done to the liquor-smuggling vessel when the highjacker boat swings to. The *Abaca* sailed from Nassau with a cargo of liquor valued at $150,000. Her clearance papers called for St. Pierre, Miquelon, as a port of destination. Whether she really sailed for that port is another story. She did not reach it, or any other.

The *Abaca* returned before her time to the port of Nassau of the Bahamas. Her whiskey was gone. Her cash was gone. Her crew were battered, dispirited, and glad enough to crawl back into Nassau with their lives. The story they told was that the *Abaca* was chased by a pirate ship, overtaken, boarded, her crew overpowered and put in irons. The pirates transferred most of the whiskey and all of the cash to their vessel and sailed away.

The crew of the *Abaca*, sore from beatings with whatever weapons the raiders could lay their hands to, were forced to let the vessel drift until a few men laboriously worked themselves free of their handcuffs. The supercargo was so securely ironed that the best efforts of the crew failed to release him until the day before the *Abaca* put back into port of Nassau.

Those who boarded the *Abaca* were of the mild-mannered type of pirate. It was the other kind who dealt with the schooner *Patricia M. Behan.*

The coast guard cutter *Manhattan* found the *Behan*, sails set and dragging anchor, at the entrance of Great South Bay. There was not a man aboard. There were signs of desperate struggle and the decks were strewn with cartridge shells. The *Manhattan* towed the *Behan* into New York harbour about the middle of April of this year and an investigation was begun.

It developed that the *Patricia M. Behan*, so called, was sailing under an assumed name. That name was merely painted on a piece of canvas and nailed over the real name. The vessel was the two-masted schooner, *Edith Helen Bush.* She left Halifax November 17, 1922, five months before she was found adrift, bound for Nassau, Bahamas. That was the last definitely known of her. Whether her crew was killed and thrown overboard and how long she had drifted as a ghost of the deep are questions still unanswered. No owner has appeared to inquire about her or to complain of her mistreatment.

At least three other drifting vessels have been found off the coast of New York and New Jersey and others have been found farther south. Nobody claims them. Nobody complains. "Dead men don't bite."

So it is with ships that stray from the path of probity and go running cargoes from the Islands of Rum. The

highjacker has little difficulty in learning when the rum ships sail. If he is in doubt as to where a rich prize is bound, what is easier than to pick up the smuggler as she leaves Bahaman waters? And what to these modern Captain Kidds is more alluring than the prospect of seizing at sea a liquor cargo with a potential value of a fortune? What is there to prevent them from hustling it through to the American coast and reaping what they can as profit, a profit that does not have to be divided with the rum-ring gamblers back in the Bahamas?

There is nothing to prevent them—except the prohibition law of the United States, and to that law the highjacker is unknown. When he comes to sell his loot, he is a rum-runner. If captured, he is punished just as the original master of the vessel would have been had he succeeded in reaching his destination. The piracy neither adds to nor takes from the weight of the offence of landing illicit liquor on American shores.

Enforcement officials of course can make no effort to apprehend highjackers as such. The machinery for their detection is the machinery employed for the detection of all who deal illicitly in alcoholic liquor. The stuff which the highjacker takes by force, by highway robbery, and by high-sea piracy, is not legally the property of the man from whom he took it. For the violence he does, for the murders he commits, the highjacker is answerable to society through indictment and trial.

CHAPTER XII

FALLEN HEROES

THERE is a roll of heroes in the Prohibition Unit's files and on that roll are thirty names. Each name is that of a man who gave his life in enforcing the prohibition laws.

We think of them as our little band of martyrs. By their sacrifice we know them now for what they really were. Certainly, when they lived, we did not think of them as saints. They were mostly quick in thought and blunt in speech; all of them lived, when they were at their work, in the constant shadow of the World to Come.

But they worked like men at a task for men. They fought like men and they died like men and no man can gainsay it.

They went to their end in our peacetime warfare, the Bootleggers' Rebellion. And their blood stains not only the calloused hands of their slayers but the soft, manicured hands of those who set the slayers at their unlawful business. He who by his patronage makes possible the illegal liquor business—whether rich and in high preferment or the lowest of vicious criminals—shares with the actual murderers responsibility for the death of these brave officers.

Some were shot in cold blood, others in the thick of pitched battle. Some were ambushed and slain like beasts for which the hunter has set a trap. One or two were found dead in lonely or deserted places. One was killed by a bootlegger's automobile.

Twenty-four were slain in the South and Southwest. Four were killed in Texas, three in Kentucky, two in each of the states of Alabama, Georgia, Virginia, Oklahoma, Mississippi, Missouri, and Oregon, and the others elsewhere.

Here are their names:

Robert G. Anderson, warehouse agent, killed April 16, 1923, by bandits attempting to rob the Hammond Distillery at Hammond, Ind.

Stafford E. Beckett, Federal prohibition agent, killed March 21, 1922, in a pitched battle near El Paso, Tex., between nine prohibition agents and a body of moonshiners.

Charles A. Wood, Federal prohibition agent, killed in the same engagement.

Atha Carter, Federal prohibition agent, shot from ambush near Palisade, Nev., while searching for a still under search warrant, dying five days afterwards, on December 24, 1922, from his wounds.

E. Guy Cole, Federal prohibition agent, shot and killed by moonshiners December 15, 1922, near Lexington, Ky.

W. D. Dorsey, Federal prohibition agent, shot and killed June 13, 1920, in White County, Ga., while searching for a still.

Robert E. Duff, Federal prohibition agent, shot and killed while searching for a still under search warrant December 9, 1922, in Manifee County, Ky.

Howard H. Fisher, Federal prohibition agent, shot and killed while searching for a still under search warrant July 7, 1922, at Titustown, Va.

Cary D. Freeman, Federal prohibition agent, shot at the same time and place as Agent Fisher.

Joseph W. Floyd, Federal prohibition agent, shot and killed while arresting the driver of a liquor-laden automobile May 17, 1922, near Houston, Tex.

John T. Foley, Federal prohibition agent, killed by the accidental discharge of his own gun October 28, 1921, while making a raid on a hotel at St. Paul, Minn.

Kirby Frans, Federal prohibition agent, shot by a moonshiner November 19, 1920, while making a raid at Perry, Okla.; died the next day.

Jacob F. Green, Federal prohibition agent, killed while raiding a moonshine still April 1, 1921, near Richton, Miss.

Richard Griffin, Federal prohibition agent, killed by moonshiners December 5, 1920, near Gadsden, Ala.

Charles E. Howell, Federal prohibition agent, shot from ambush July 17, 1921, in Limestone County, Ala.

R. W. Jackson, Federal prohibition agent, shot by moonshiners and their sympathizers December 16, 1920, in Taylor County, Ga.

Jesse R. Johnson, Federal prohibition agent, shot from ambush November 21, 1921, in Saline County, Ark.

Howell J. Lynch, shot while raiding a still July 6, 1922, near Gainesboro, Tenn.

John O'Toole, Federal prohibition agent, run over and killed by an automobile February 17, 1922, at San Francisco, Calif., while making an inspection.

Joseph P. Owen, Federal prohibition agent, shot in a battle with moonshiners August 22, 1922, near Kosciuski, Miss.; died two weeks afterwards.

Glen H. Price, Federal prohibition agent, shot in cold blood by an Indian bootlegger September 3, 1922, near Grand Ronde, Ore.

Grover C. Todd, Federal prohibition agent, slain by the same man as Price.

J. H. Reynolds, Federal prohibition agent, shot while searching for moonshine stills August 26, 1921, in Johnson County, Ky.

J. H. Rose, Federal prohibition agent, ambushed and shot by moonshiners while raiding a still October 25, 1920, in Swain County, N. C.

Charles O. Sterner, Federal prohibition agent, shot while searching for liquor, under search warrant, June 25, 1922, at St. Louis, Mo.

Ernest W. Walker, Federal prohibition agent, shot during a battle in Texas with smugglers on the Mexican line, March 5, 1921.

John W. Waters, Federal prohibition agent, whose body was found, riddled with bullets, October 5, 1922, near Dade City, Fla.

John Watson, shot while attempting to arrest bootleggers April 30, 1921, near Anthony, N. M.; died May 3, 1921.

Stanton E. Weiss, Federal prohibition agent, killed August 28, 1920, while raiding an illicit distillery near Oklahoma City, Okla.

J. Leroy Youmans, Federal prohibition agent, shot at a distillery April 3, 1923, near Hartsville, S. C.

They are the dead who died with their boots on or lingered a time and then succumbed to wounds received in combat. The list includes only the names of the dead and not the names of the wounded. It embraces, too, only names of Prohibition Unit employees. Many local police officers also have been slain in suppressing the Bootleggers' Rebellion, but of these we have no complete or accurate record. Agents who were killed other than in battle are not included. Of these there are several.

For instance, a Federal prohibition agent participating in a raid on a still in South Carolina recently lost his foot-

ing on the slippery soil and fell into the hole where had just been poured the boiling contents of the still. He was pulled out immediately by his fellows who took him quickly to a near-by creek and there relieved the agony of his burns. He died a few hours later.

Many other employees have received painful or serious injury from outlaws engaged in the illicit traffic. There comes to mind the case of the agent who recently engaged in battle with four mountaineers transporting moonshine from their still to the town of Jellico, Tenn. With local officers he halted the outlaws. They resisted, and he was shot four times. They left him for dead but he is now recovering from his wounds.

Also among the injured is an agent who raided a bootlegger's home at Fargo, N. D. He found the bootlegger in the cellar, presumably bottling his illicit wares. Into the dark cellar the agent ran, demanding that the criminal surrender. The answer was a growl. The next moment a savage bulldog was at the agent's throat. They fought in the dark, criminal and bulldog against the agent, but he whipped them both and arrested his man.

Bruised, battered, and bleeding, he started away with his prisoner. He had not left the premises before the outlaw's wife set up such an outcry that he halted. It was plain that the poor woman was in great distress. To calm her the agent allowed his prisoner to remain that night at home, while he, the agent, sat up doing guard duty. The man whose nerve didn't flinch before the attack of the outlaw and his savage ally, melted before a woman's tears.

Other agents have met death under circumstances of mysterious analysis. There is, for instance, the case of James F. McGuinness, a Federal prohibition agent whose body was found on Christmas Eve, 1920, on the shore of

Newark Bay, near Bayonne, N. J. A bullet had coursed through his brain. At the coroner's inquest, a verdict was rendered that the agent had been murdered. The County Physician, however, after careful examination, reached the conclusion that the agent had taken his own life.

Incidental to raiding of moonshine stills and suppression of motor-riding bootleggers, there are sometimes other dangers than those of actual combat. An apt illustration is afforded by the case of Irby U. Scruggs, a federal prohibition agent who went out to raid a still in Knox County, Tenn. Scruggs was accompanied by a deputy sheriff. They accomplished their mission and on their way back to Knoxville engaged in an altercation over an order given by Scruggs that none of the seized liquor should be drunk and that the deputy should put away a gun which he carried in his lap.

During the quarrel, the agent was shot. He drew his pistol and returned the fire, instantly killing the deputy. A few hours later the agent himself died on an operating table.

Loss of life in encounters with bootleggers and moonshiners is by no means confined to the ranks of the enforcement agents. A veteran moonshine raider of the South, fighting the outlaw with his own weapons, set out years ago, for his own protection, to build a name for himself as a "bad man" on a raid.

The "bad man" of the Southern mountains, in days prior to prohibition, paid his score in blood. It was his fiat that no man could attempt to take his life and escape with his own. He generally carried two guns, shot straight and hard, and asked questions afterwards. He was a terror to the community, shunned by the law-abiding and feared with indelible fear by his fellows. Half his battles were won on his reputation alone.

The government agent referred to spread word among the moonshiners that he would kill the first man who shot at him. They tested him soon. While preparing to leave the scene of a raid he was shot at from cover by one of the moonshiners. The bullet passed so close to his head that he felt the wind of its passage.

He wheeled, darted back to cover, and, seeing the puff of smoke thrown out by the outlaw's shot, fired. The outlaw ran through the underbrush, the agent glimpsing him, and following hard on his heels. The pursued paid the penalty and from that day to this, the agent has been known as a "bad man" among the moonshiners, and many outlaws who without doubt would have fought another agent have quietly surrendered to him.

I asked this agent if he were ever fearful that the moonshiners would shoot him. His reply is interesting.

"No," he said. "I know I've got the right on my side. I feel that if there is going to be a fight, I'm going to get the other fellow. If I ever feel that he is going to get me, then I am going to give up the work. But I don't reckon I'll ever feel that way."

The desperado in the illegal liquor business holds life cheap. Time after time he has killed in cold blood. Sometimes his method of doing so is fiendish in its heartlessness.

In April, 1923, Agent Youmans, whose name is in the list given above, set out at night to apprehend alleged moonshiners near Hartsville, S. C. He and the officers with him made their way noiselessly through a patch of woods to the still and crouched down, under cover of bushes, to await the coming of the moonshiners. Presently they appeared and started preparations to operate the still.

One of the watching officers, shifting his position,

stepped on a twig which snapped. The moonshiners immediately became alert, and began a search of the bushes near by. One of them approached Youmans. The agent arose to a standing position and was preparing to arrest the outlaw when the latter turned a flash-light full in the agent's face, blinding him.

Holding the light with his left hand, the outlaw used his right to press home the trigger of his pistol. Youmans fell, mortally wounded, and died within a few minutes.

Never a chance for life have some of these heroes had as they trailed their quarry to its stamping ground. They walked, not with sham bravado and in foolhardiness, but with every poor precaution they could adopt and with infinite courage, into the hidden jaws of death. Again and again, as we scan the list, we read the pitiful story of ambush and cold-blooded murder.

In the Kentucky mountains, one August night two years ago, a party of officers seeking moonshine stills passed within a few feet of a hidden cabin wherein, unknown to them, there were secreted the men they sought. The outlaws held their fire until its deadliness was certain. Then they fired, focussing their shotguns on one man whose form stood out in sharp relief against the dark background. He fell. When they carried him away after the house had been stormed and the outlaws taken prisoner, they found seventy-six shots in his body. That man was Agent Reynolds.

Agent Waters was another brave officer who had no chance for his life. He left Dade City, Fla., on an October afternoon a year ago to search a near-by stock farm for illicit stills. In his pocket was a search warrant.

He failed to reach his destination. In a small car, parked a few feet from the roadway, they later found his

body. It was riddled with buckshot. The "Overstreet gang" were indicted for his murder.

Sometimes local feeling flares to white heat when the fight of an officer is attended by particularly distressing circumstances, and in at least one case the community has taken things into its own hands and lynched the slayer. Witness the case of Agent Weiss, killed in August, 1920, near Oklahoma City, Okla.

Weiss, accompanied by another agent and two local officers, raided a moonshine still operated by two Negroes, father and son, about thirty miles northeast of Oklahoma City. A bloody encounter marked the raid. Weiss and a deputy officer were killed. So was the Negro boy. A third officer was badly injured. The fourth officer arrested the elder Negro and lodged him in the county jail.

That night the countryside saw red. The story of the fight spread like wildfire in a country where wildfire spreads fast. Feeling ran still higher the next day. On the night of the second day a mob formed, made its way to the jail, forcibly seized the prisoner, took him away, and hanged him.

One of the chief battles of the Bootleggers' Rebellion occurred in March, 1922, on the Shearman ranch, five miles east of El Paso, Texas.

Nine prohibition agents participated in that battle. Knowing the desperate character of the men with whom they had to deal, the agents made the raid in such numbers as to insure its success. They obtained a search warrant and were on their way to the ranch when they met the rancher, Shearman, who insisted upon returning with them.

When they arrived at their destination, Shearman disengaged himself from the group, stepped behind a small building, and fired a shotgun. Two of the agents fell,

mortally wounded. The shot was the signal for a fusillade. From a dozen places of concealment, outlaws in ambush opened fire.

The agents immediately ran to cover and for two hours engaged in battle with the moonshiners. Finally, two of the agents escaped and obtained reinforcements. I have no record of the number of wounded, but two of the agents, Beckett and Wood, were killed. Five of the outlaws, including all the Shearmans, were indicted by the Grand Jury for murder.

So reads the red tale of murder that is sequel to the violation of our country's basic law. It is the same throughout, varying only in its gory details. On the one side we find the forces of law and order, on the other side the forces of the illegal liquor traffic. Through all the years of the nation's life and through the century and more that passed before these communities of the Western World became the United States, the sharp alignment was the same.

On the one side, law and order; on the other side, beverage whiskey.

CHAPTER XIII

UN-AMERICAN PROPAGANDA

AGAINST the enforcement of prohibition there stands a triple entente. The parties to it have their own antagonisms and antipathies. Among them old feuds exist. Holding daggers between their teeth for one another, they make war together against the law by every foul means known.

There are the members of the Dreibund of Defiance, the League for Belittling the Constitution of the United States:

First is the remnant of the old organization of manufacturers and dealers in liquor in pre-prohibition days, learning nothing by experience, forgetting nothing, wearing in its heart a Bourbon hope of its return to the throne of debauchery from which it was hurled by the wrath of the American people.

Second, the organization of the illicit liquor trade in all its sinuous, slimy branches.

Third, the organization for propaganda against the law and the Constitution.

Here is a trinity of tremendous power. Of the three, the most dangerous and the most powerful is the organization for propaganda—it wears the robes of respectability and goes under the guise of honoured names.

In each of the three classes there are numerous smaller organizations, and all of them are thrown together in a league as loose as that of the old Greek free states yet as

solid as the Roman legions in the days of their imperial power. There is nowhere any visible head or responsible agent. The three great organizations deny relationship with one another. Many of the smaller groups within each of them openly repudiate allegiance to the parent organization. From the outside, the whole mighty fabric seems fragile as a cobweb. From the inside, it is as tenacious, as impenetrable, and yet as flexible as a coat of chain-armour.

The careful observer has found no way to make fish of one and flesh of another. It is one mess of meat unclean. Upon the whole of it is the stench of lawlessness, not alone the thefts and murders of the illicit liquor trade, but the spirit of nullification and of treason.

Caught in this web of iniquity are many good men, great men, but deluded men, some of them undoubtedly insane men. There is no other explanation for the man of once mighty intellect who cannot see that to cripple or repeal the enforcement laws is to nullify the Constitution of the United States and that to advocate such a course is the essence of treason.

To many of the individual propagandists, we must concede honesty of purpose. To many of the old liquor manufacturers and dealers, a similar statement is due. Some of them have long ago gone definitely into other pursuits and now give no thought to the old, outlawed business. The bulk of the others strictly obey the law to the extent that they refrain from manufacturing or selling illegally. But many have not abandoned the hope that they can force a return of "the good old days" and in that hope they join hands with the vicious propagandist who essays, not the impossible task of repealing the amendment, but the seemingly easier one of nullifying the Constitution by weakening or setting aside the enforcement statutes.

Altogether—propagandist both sincere and insincere, hopeful former manufacturers both law-abiding and law-defying—they play the game of the bootlegger for whom they have no love when they foster a belief that the prohibition laws cannot be enforced. The illicit liquor fraternity would like to have the law remain as it is. The propagandists and many of the old liquor forces want it changed. All such work together to build up a spirit of lawlessness and discontent with the present order of things. The wind of sedition blows—neither enforcement officials nor the public can tell whence it comes, but the force of it is felt in corruption.

Within the enforcement organization we count the cost by the names of our men dishonoured, weak men and few in number, who could not withstand the strain of temptation placed in their way by one division or another of the Entente of Defiance. I have spoken elsewhere, with a pardonable and sorrowful pride, of the list of enforcement agents who lost their lives in upholding the law. I must speak now with a deeper sorrow of those who in that same cause lost their honour, and of the temptations that drove them to it. In mercy to the weak, I refrain from turning the page which would reveal the names of those who have fallen by the wayside. Of the offences they committed, some involving moral turpitude and some not, I must speak.

Let me first, however, sketch the character of the temptation constantly placed in the way, not of a few members of the enforcement force, but of practically every man connected with it. It can be best done by citing some specific incidents.

A man said to be a New York broker approached a prohibition official with a view to having him use his influence to secure greater liberality in the Treasury regulations

under which whiskey may be withdrawn from warehouses. In the course of a few months, the broker said, the service would be worth $1,000,000 to the people who would benefit by it. One tenth of this sum, a round $100,000, the people would be willing to pay cash in hand and the other $900,000 would come along from time to time. The supposed broker did not say that he was empowered to pay over the initial $100,000 but, with the suave suggestiveness of the expert corruptionist, gave the official to understand that this was the case. He actually said nothing except that the service would be worth that to the interested parties.

That temptation can be tagged. It must have come from certain unscrupulous, though legitimate, owners of liquor who sought to divert their stocks to illegitimate uses. It is, perhaps, an extreme case. Of that, however, we cannot be certain. We know the measure of the temptation only as it is offered to those who resist it.

With the offer of money, there nearly always goes a promise of immunity in the event of detection. Claims are made by rich and apparently influential cliques that they have connections by which they can control the action of the "higher-ups" in the various government departments. These claims, of course, are groundless. They are put forward, however, with enough appearance of the genuine to lead many an agent to wonder if he is not going contrary to the secret desires of his particular chief by enforcing the law, and to suspect that he would be in better favour with the powers if he listened to the blandishments of the corruptionists and closed his eyes.

The agent whose integrity is bribe-proof and whose judgment cannot be warped by representations that his superiors have been bribed may fall victim to an appetite or other venal fault. The illicit liquor crowd loses no

opportunity of placing in his way the particular kind of temptation to which he is most susceptible.

As the result of temptation in scores of forms and unceasingly offered, forty-three employees of the Prohibition Unit have been adjudged guilty by courts since the beginning of this administration. Even so, the force was ninety-nine per cent. honest. At the maximum there have been practically 4,000 employees. Those who have yielded constitute one per cent. of those to whom the corruptionist has stood ready to offer anything for doing his bidding. Let our enemies make the most of the fall of these forty-three unfortunates. I am thinking of the other 3,957 who kept the faith.

Of those who fell, three were in the Washington offices One of them accepted a bribe and was sent to the penitentiary for two years. One got drunk and was fined $20. The third, in what he probably thought to be the discharge of duty, obstructed traffic and was fined $25. These three cases will illustrate, to an extent, the wide range of offences of which prohibition officials have been found guilty, and the trivial nature of many of the offences with which the enemies of prohibition seek to confound us.

Of the forty-three, twenty-three were found guilty of offences involving corruption—accepting bribes, extorting money from bootleggers, failing to carry out court orders for destruction of liquor, having liquor in their possession, and the like. Their punishment was usually severe, involving large fines and penitentiary sentences, some of them as long as seven years. Eight were guilty of drunkenness and minor offences to which drunkenness led. One in the performance of duty committed murder. One swore to a false expense account. One tried to influence a grand jury. One committed a theft. The eight

others were small police-court cases. Of real corruption, therefore, the ratio stands at about one half of one per cent.

These men who were upon the payrolls, however, constitute but a small fraction of those corrupted by the Triple Entente of Defiance, mainly, we may believe, by the organization of the illicit liquor trade. Efforts at corruption may begin in Washington, but they no doubt have extended to the governments of all the forty-eight states, to the officials of perhaps all the 3,000 counties, to the innumerable city and town and village governments.

The policeman on his beat, the judge on the bench, the board of commissioners in council, the legislature in session at the state capitol, the candidate for office, the political chieftain big or little who controls the destinies of parties in voting precinct, county, state, or nation—all of them have been under the watchful eye of the agents of the illegal alliance and to those who could be approached bribes of one kind or another have been directly or indirectly offered. How many of these bribes have been accepted no man knows or can know. The number of policemen whose badges have been taken from them because of complicity in illicit liquor schemes is already large. Sheriffs, constables, police officers by all titles reveal their lists of fallen ones.

Those who have been caught are, doubtless, but a fraction of those who are guilty. That higher officials have come under the spell is probable. There are large communities, many of them, in the United States where the entire machinery of government, municipal, county, and state, is such that federal enforcement officials can get little if any coöperation whatever.

It is not to be believed for a moment that all of this

disloyalty to the Constitution of the United States has been brought about by the use of money, and even where money was the corrupting agency it was not distributed generally among the men in official positions who are serving the unholy trinity. A single "boss" may have received the money or whatever else was used to effect the corruption. Then the word went down the line that the organization was to assume a "liberal" attitude. There can be no doubt, however that money in tremendous quantities has been used.

An organization so bountifully supplied with the means of corruption must have tremendous reservoirs of money upon which it can draw, and yet the whole thing is so indefinite, so loosely drawn together, and yet so effective in its points of contact that the task of tracing most of the money to its ultimate source is all but hopeless. The cross operations, however, that are written up in the newspapers are mainly those of the moonshiner-rum-runner-bootlegger organization.

The scores of branches of that organization have no head. Many men engaged in its work are not conscious of allegiance to any one beyond a local leader, possibly no one beyond a gang leader. Yet each cog fits exactly into another one. To the layman, the number of such cogs may be a surprise.

To begin with the moonshining industry, the moonshiner himself is at about the middle of the chain. First, there is the man who sells him his corn or molasses or whatever material he uses to make liquor from. There is the truck driver, automobile owner, or teamster who delivers the material to the still and possibly hauls the liquor away. There is the wholesale dealer in moonshine who may buy direct from the moonshiner or the moonshiner's agent. On the other hand, the wholesale dealer may have

an agent of his own who goes out to find supplies in the hands of many moonshiners. Finally, there is the moonshine peddler.

The synthetic liquor division is made up in similar fashion. The legitimate owner of alcohol supplies it, in one way or another, to some one for redistillation. He may sell through deliberate connivance. He may be duped, just as the seller of corn or molasses frequently is. Again, the alcohol may be stolen from him. After the alcohol is redistilled and "doctored," it reaches the ultimate consumer in much the same way as moonshine.

The division of labour is even finer in smuggling circles. In bringing liquor across the Canadian line, for example, there must be a small army of automobile drivers who have no interest in the contraband except the fee they get for hauling it. There may be a few aviators who bring the stuff across the line in the air. There is undoubtedly a large number of boatmen on the lakes, some of them owning the cargoes they transport, some of them hauling for pay. There are operators of spy boats. There are look-outs along shore.

All of that and more applies to the smuggling of liquor into seaports.

There are numerous other classes belonging not particularly to any division of the trade but to the illicit industry as a whole.

There is the financier, recognized or otherwise, who furnishes money upon occasion to swing the big deals.

There is the occasional dishonest druggist who uses his legitimate business as a blind for running a saloon.

There is the occasional unethical doctor who writes prescriptions for liquor when he knows it is to be used not as a medicine but as a beverage.

There is the occasional professional bondsman who,

for a fee, puts up security for the appearance in court of those who are apprehended.

There is the occasional lawyer who specializes in defending violators of the prohibition law. There is another lawyer who does not brand himself by appearing in court as counsel for violators but conducts negotiations for the illicit interests. In large measure, he is the man who makes claims of influence in the departments in Washington sufficient not only to take care of the illicit interests but to protect a crooked enforcement official.

I recall a case in which a lawyer of that kind came under our observation. The business began in New York one night when an enforcement agent strolled into the Knickerbocker Grill, recently padlocked for six months on order of the United States Court. In a little while, he was in conversation with a likely-looking individual who casually inquired, "What's your line of business?" The agent, assuming the pose of a bootlegger, said, "I'm buying and selling goods."

"I think," said the stranger, "I could fix it up for you to meet a number of men in the game. I'm a sort of middleman. They would expect me to assure them, of course, that you have the money with which to do big business."

"Too bad," said the agent, "I've got nothing with me to-night but some small change." He flashed a roll which looked bigger than it was. "Not a cent more than $20,000" he continued. "I've got plenty more where I can put my hand on it to-morrow."

The middleman thought $20,000 would do for a starter. They went over to a hotel near by and the middleman got in touch with several men by telephone. These men shortly came in. One of them bore a name well known. They talked of large quantities of liquor which they could deliver. Both sides, however, were cautious, anxious to

have all details properly arranged before the deal was closed. Finally, the group broke up to get together in another city.

At the second meeting, one of the leading lawyers of the second city appeared. The agent had convinced the group at the first meeting that he was not only a large dealer in illicit liquors but an experienced distiller. The lawyer proposed that he join "my group," go to the West Indies, and operate a distillery which would furnish all of them with ample supplies of liquor. The agent, however, insisted that he needed liquor immediately for the requirements of his own trade. A third meeting was arranged, in New York. The lawyer again appeared, and the deal was closed.

The liquor was delivered as agreed. The agent had trucks waiting. He also had confederates waiting. When the liquor was transferred to his trucks, as agreed, it was seized.

The lawyer is now under indictment for his part in the affair, though he had assured the agent that his influence in "high circles" was sufficient to insure immunity for anything that might be done.

The lawyer represented, as he said, merely a group. Operating in the same territory are a number of other groups, some of them equally powerful. The same situation undoubtedly exists in other parts of the country. There is hardly a city so small but that its illicit liquor business is divided among several groups. All of these stand as a unit against the law but, within the borders of their own illegal world, they cut one another's throats whenever opportunity affords.

A man who started out on a small scale may have acquired, by political pull or otherwise, an immunity sufficient to enable him to grow rich and to extend his business

greatly. Many such own large strings of automobiles and employ a great number of subordinates. In some cases, the leader is able to inspire his "gang" with a loyalty and a sort of love which induces them to face any sort of danger for him. These bootleggers of personality and charm are, of course, the worst of the lot. Many of them have succeeded in attaching to their groups fine young men, boys from good homes, who have been led to their ruin by love of adventure and admiration for an unworthy leader.

No matter how powerful a bootlegger grows, he has an aspiring rival ready to oust him from his favoured position with the drinking public and with the local authorities. Sooner or later, the downfall comes. Lawlessness, as is always the case in the long run, preys upon and destroys itself.

The campaign of propaganda against prohibition is at once the most extensive and the most intensive the United States has ever known. It neglects no means of expression. The cross-roads weekly is as carefully courted as the metropolitan daily. The doctrine of nullification is not more vigorously preached from a place on the speaker's platform of great assemblies than from the corner seat in the smoking compartment of a Pullman car. The stage and the motion-picture screen are turned to account.

The whole effort is to repeal or modify the Volstead Act, the purpose of which is to enforce the Constitution, and the state laws passed for the same purpose. There is no sign of any real effort to repeal the Eighteenth Amendment by the orderly process of Constitutional modification.

The thing ostensibly sought is legalized beer and light wine, which the propagandists assert would be in perfect accord with the spirit of the Eighteenth Amendment.

Few if any mention an alcoholic content below 2.75 per cent. A beverage of that alcoholic content, they say, is not an intoxicant. They attack the one-half-of-one-per-cent. requirement of the Volstead Act as absurdly low. Yet the fact is that the one-half-of-one-per-cent. limit for non-intoxicating beverages was fixed a great many years before prohibition, and largely at the request of the liquor manufacturers themselves as a protection against the manufacturer who did not pay the internal revenue tax. In other words, many people who now cry so loudly that three-per-cent. beer is not an intoxicant were firm in the assertion before prohibition that anything more than one-half-of-one-per-cent. beer was an intoxicant.

The argument for light wine and beer is based on the assumption that the present law is unpopular and cannot be enforced. Every energy of the propagandists is called into play to make it appear that the law really is unpopular and that conditions, bad from the beginning of prohibition, are constantly growing worse. Countless newspaper items have been inspired to substantiate this claim. There is more propaganda than liquor in the smuggler ships. The volume of illicit drinking actually done in the United States is small compared with the drinking talked of by the propagandists. There are girls who drink moonshine out of the hip pocket flasks of their escorts to parties, but the number is insignificant compared with the number represented as doing it. School boys have been made drunk by bootleggers or by somebody, and one prominent newspaper asserts that it was by the propagandists themselves—but the number has been magnified out of all reason in the propaganda material.

Those who carry on extensive propaganda must have much money. Many believe that a considerable part of it comes from foreign countries.

Let Europeans themselves tell what is being done in the nations of their continent to force a return to legalized liquor in the United States.

On June 25th of this year, Lord Astor was quoted in dispatches from London as saying that ever since the United States inaugurated its great experiment, the British liquor trade has been carrying on anti-American propaganda. He objected to what he called deliberate attempts to misrepresent everything associated with the United States. "It is a tragic thing," he is quoted as saying, "that while anti-British propaganda in the United States has ceased, people are working in England to misrepresent the attitude and actions of America."

On October 27th of last year American newspapers carried dispatches from Brussels reporting the holding of an anti-prohibition congress in which the countries represented were Belgium, Canada, Spain, Finland, France, England, Denmark, Italy, Norway, Sweden, and Switzerland. Senator Delannoy of Belgium, who presided, is reported to have defined the object of the congress as an energetic struggle against the tendencies of modern legislation to sacrifice individual and commercial liberty. It was announced that a world fight against prohibition was planned, with the United States as the centre of the wet campaign. Count De Mun of France was placed in the dispatches at the head of "the international committee of defence to bring the dry people back into the wet fold."

The next day, a follow-up story was sent out from Paris. Jean Couprie, one of the French delegates to the Brussels congress, had returned home and was interviewed. He was quoted as saying, among other things, "We believe that we have at least the right to offer our whole-hearted support to American wets if they will accept. They will

find our organization amply backed financially and with a hundred million advocates back of it. Further details of the American campaign naturally await the attitude of the American wets toward our offer of coöperation." The same dispatch stated that Count De Mun, the president of the international organization formed in Brussels, was president of one of the largest champagne companies in France and was formerly an extensive exporter to the United States.

At about the same time, dispatches from Paris to various American newspapers told of an extensive campaign of advertising for the purpose of telling American tourists the advantages of wine drinking, appealing to the comradeship that existed between Yank and Poilu in war days and asserting that "in all our cities throughout our entire wine-growing region, you will not meet a drunken man."

I recently had a letter, dated from a house in the Avenue de Suffren, Paris, enclosing a clipping of one of these advertisements. "They work," says the letter, "to get the American laws modified for the sale of their wines in America."

Many European journals either believe or appear to believe that the main business of the bulk of the American people is to violate the prohibition law. I have before me the cover page of a French journal. On it is a picture in colours of a supposed street scene in a large American city. Men and women, some with arms full of bottles of liquor and others trying to take it from them, are scurrying and fighting. A lone policeman does nothing except roughly to accost a girl with a single bottle of wine in her hand.

The legend beneath the picture asserts that the majority of the American population impatiently endures the drastic prohibition measures, that a day never passes without

stores of illicit liquor being pilfered, and that these scenes of disorder "degenerate always into veritable raging battles."

Have European organizations which take that view of things and boast of their liberal funds for wet campaigns throughout the world formed connections with the propaganda organizations in the United States? I do not know.

We know of forty-two organizations in the United States that are disseminating propaganda in opposition to prohibition. Of these the Association Against the Prohibition Amendment is by far the most active and influential. It has practically paralleled in organization method the Anti-Saloon League of America, employing almost exactly the same form of organization.

The avowed object of the Association Against the Prohibition Amendment is threefold. The result it means to accomplish first is repeal of the Volstead law. Its second object is to legalize the manufacture and sale of beer and wines for beverage purposes. Its ultimate object, as announced, is the repeal of the Eighteenth Amendment to the Constitution of the United States. To this supreme object, however, no active attention seems to be given. The whole effort thus far, it seems, has been not to induce the American people to exercise their right to repeal a part of the Constitution, but to have them nullify the Constitution by repealing the law for its enforcement. Unceasing war is made not alone on the Volstead law but on the prohibition enforcement codes of the various states.

In the Congressional election of 1922, the Association Against the Prohibition Amendment participated in congressional contests in practically every district, the country over. Its main effort was to defeat all Congressmen who had supported the Volstead law. It claimed credit for defeating Mr. Volstead himself, though a pronounced

dry was elected in his stead. The association published a list of candidates satisfactory to it.

Many of these men, candidates both for the House of Representatives and the Senate, repudiated the endorsement. Some of them made the charge that the Association Against the Prohibition Amendment sought to defeat them by endorsing them and thus fixing upon them the stigma of wet affiliations. Representative Walter L. Lineberger of California made this charge in a speech on the floor of the House and asserted that the effort succeeded only in the case of Congressman Gensman of Oklahoma. He read into the record the correspondence between himself and the manager of the Association Against the Prohibition Amendment.

The Association had sent him a copy of its platform and asked an expression as to how he stood with regard to it. He had replied, "The only portion of the programme of your organization in which I can acquiesce is Article III, i.e., 'So long as the prohibition amendment and the Volstead Act are the law of the land, they should be obeyed. Otherwise I am opposed to your programme." The manager of the Association had acknowledged this letter by writing, "I thank you for your letter and note you are not in sympathy with our platform."

Notwithstanding this, the Association later sent letters into the district saying that "Lineberger will probably come out openly in favour of our platform." Mr. Lineberger demanded a retraction. "In spite of that," he asserted in his speech in Congress, "so far as I could ascertain the organization did nothing to correct the situation created by the circularization of its letter."

The Association Against the Prohibition Amendment has been active in every effort in the states to repeal enforcement laws. After the New York repeal bill was

signed the head of the Association announced that repeal will be sought in the legislature of practically every industrial state. He announced that Massachusetts and California will be sure to line up with New York and that the Association confidently looks for the success of repeal bills in Rhode Island, Tennessee, Pennsylvania, New Jersey, and Ohio.

Certain it is that some of the leading members of the Association Against the Prohibition Amendment do not believe that the Volstead law should be enforced. A man whose name appears on the letter head of that organization—an honoured man prominent through a long life—wrote an article which was printed in a New York newspaper. In it he said such things as these:

> The Eighteenth Amendment, by robbing us of our personal liberties guaranteed in the Constitution, violates and breaks a God-ordained and sacred law, and he who chooses to disobey the Eighteenth Amendment and who chooses to disobey the Volstead Act or any act against personal liberty is still obedient to natural law and the law of God and he is, furthermore, obedient to the fundamental constitutional laws of this country put there to safeguard our liberties. . . .
>
> The Eighteenth Amendment has already been repealed. It is repealed by the majority opinion of the American people. It is repealed by the universal disobedience and contempt of the people. . . .
>
> The proper answer to prohibition is being given by the people. It is disobedience. . . .
>
> I am a law-breaker and I am proud of it. . . .

The Association Against the Prohibition Amendment may or may not approve the utterances of this famous man. It carries his name on its stationery because it is a distinguished name and calculated to carry weight with the young men of the country. His utterances are in

direct conflict with the published platform of the Association Against the Prohibition Amendment—but in absolute accord with the conduct of that organization. He is, however, perfectly candid.

Forty-two organizations, many of them claiming to be national in scope, are reported to be issuing propaganda against prohibition.

Each of these forty-two organizations secures the sinews of war in a way more or less peculiar to itself. The Association Against the Prohibition Amendment is reputed to have a practical monopoly of the financial support of the old organization of liquor manufacturers and dealers. No doubt assistance from that source goes to a considerable number of the others for special purposes now and then, but the one recognized by the former liquor forces as its approved propaganda outlet apparently is the Association Against the Prohibition Amendment. The Association, however, evidently does not publicly recognize these forces as its official sustaining patrons.

As another form of subtle propaganda aims to cast doubt upon the legitimacy of disposition of seized liquors it may be germane to mention briefly here the procedure followed.

All liquors seized by enforcement agents are taken direct to a government warehouse or other authorized government storage place, where the seizures are carefully recorded and labeled. The record of each seizure shows date of seizure; name and address of defendant; address of place where seizure was made; name of agent making seizure; list of liquors seized; date of delivery to storeroom; location of liquors in storeroom; and after the liquor is disposed of an addition is made to the record showing disposition. A sample of each kind of liquor seized is taken for analysis and all remaining liquor is sealed in its original containers. The samples are analyzed by Government chemists and retained for use in the trial of the case.

After labeling and storing, liquor seizures can be removed only by order from the United States District Court. Under the law there can be no summary disposition of liquor by the Prohibition Unit; after seizure and storage the case is entirely in the hands of the court. When the court orders disposition, either upon the termination of the criminal cases or upon the filing of libels by the United States Attorneys, the property is taken over and the court order executed by the United States Marshal, his assistant or his deputies, usually in the presence of a representative of the Prohibition Unit. The only authority for the disposition of liquor and other contraband in liquor cases other than upon court order is contained in Sec. 3332 of the Revised Statutes which authorizes Prohibition agents to destroy distilling apparatus where impracticable to remove it to safe storage.

Another wet propaganda organization, whose main activity is the taking of straw votes, apparently is supported by small contributions solicited from the people. Every man or woman who casts a ballot in one of its "elections" later receives an appeal for money. Representative Louis C. Crampton of Michigan read into the *Congressional Record* an affidavit from a former official of the organization. This official had called the "campaign manager's" attention to irregularities in the way ballots were counted. The reply of the manager, according to the affidavit, was "H——, we don't give a d—— about the ballots; it's the money we are after." Mr. Crampton also read into the record the comments of a New York magistrate who, in fining one of the young woman workers of the organization for collecting money on the streets without a license, called the organization a "phony enterprise."

Even if the straw votes are taken purely as a preliminary to financing, they constitute an insidious sort of propaganda likely to mislead those who do not carefully analyze the situation. It is probable that a majority of those who

vote in such "elections" do favour modification or repeal of the prohibition laws.

Prohibitionists, having obtained their victory in regular elections, pay little attention to the straw kind. Just before this wet organization took its ballot in Washington, it announced that 3,000,000 "votes had been polled" up to that time and that less than one per cent. of them opposed a return to beer and wine. That disparity is sufficient to lead one to suspect that the official whose affidavit was read by Representative Crampton had ground for his complaint that there was some irregularity in the counting of the ballots.

CHAPTER XIV

THE POISON CUP

THE laboratories of the Prohibition Unit have analyzed approximately 60,000 samples of bootleg whiskey during the past twelve months. Less than one per cent. of all these samples analyzed were found to be pure whiskey. The other ninety-nine per cent. were contaminated—most of them by dangerous or poisonous ingredients.

In the light of these analyses, it seems obvious that it is almost impossible to obtain good whiskey from illicit sources anywhere in the United States to-day. State chemists and private investigators confirm our findings and deductions. Incidentally, the one-in-a-hundred chance applying to the country as a whole is too high for some sections. Recent figures from Ohio, for instance, show that only one sample of bootleg liquor in 300 is genuine. The purchasers of bootleg liquor in Ohio, therefore, have a one-third-of-one-per-cent. chance of getting genuine stuff. One man in 300 of the bootleggers' customers gets real whiskey; the other 299 drink poison.

The toll of life that bootleg liquor is taking throughout the country cannot be measured, even by those familiar with the facts. In Chicago, for instance, the coroner's records show 100 deaths between January 1 and June 1, 1923, to have been due to drinking poisonous compounds. In Cleveland, the number of such deaths during the same period was 45. In Detroit there was a record of two

deaths from poisonous liquor during the five months, while in Philadelphia it is estimated that the number of deaths due directly and indirectly to alcohol, including poisonous alcohol, was about 500 for the same period.

Spectacular cases of death from bootleg liquor poisons probably constitute but a comparatively small fraction of the total. Much more numerous are deaths hastened by or resulting from disease directly brought on by bootleg liquor. The death certificate, of course, shows the immediate cause of death—not the cause of the immediate cause.

An exception was found recently in Oklahoma, however, A prominent banker died. The cause of death was stated on the death certificate to be heart trouble. That was true, but it was heart trouble irritated and made fatal by bad liquor. The widow told the prohibition authorities the cause of the heart trouble, and they captured the actual still which had caused her husband's death. No man can compute the number of similar deaths from natural causes hastened by drinking bootleg liquor.

Even if the truth were told as to all these, the account would be far from complete. In taking its toll, bootleg liquor does not exact the full amount in hand; deferred payments are the heaviest. Thousands of men who may live for years have written with bootleg liquor their own inevitable doom. They may stop drinking, but, shaken by the cumulative effects of bootleg poison, they will not live to the end of a normal life. Though death come ten years hence, it will be as truly hastened by bootleg liquor as the death of the man who swallows a wood alcohol concoction and dies the same day.

Victims of bootleg—quick or slow—usually protect the men who are killing them. There is in such protection the honour of the dishonourable, the loyalty of companions

in misdeed. The average patron of the bootlegger places implicit reliance upon the integrity of the criminal he patronizes; everybody else may be buying bad liquor, but he is getting "the real old stuff."

Actual tests tell him that the quantity of "real old stuff" in bootleggers' hands in the United States to-day is as a drop in the ocean. All the genuine pre-war liquor in the hands of all the bootleggers in the country probably would not supply the illegal traffic of New York City for half a day. There is virtually none of the "real old stuff" on the market.

An infinitesimal fraction of bootleg is real liquor, but it is not old liquor. Liquor represented by bootleggers as having been smuggled in, and supposed by their customers to be absolutely genuine, more often than not is made in the United States by redistilling denatured alcohol, or from other moonshine, and bottled under labels printed in America to resemble those of foreign brands. Enforcement agents in several cities, notably one in New York, another in Michigan and a third in New Jersey, have found printing plants or distributing centres doing an immense trade in fake labels and counterfeit revenue stamps. Almost every brand of label known in the United States, whether of domestic or foreign make, has been imitated or sold by the tens of thousands in these plants.

In addition, there are similar plants in the West Indies and at other points running full time and printing imitations of foreign liquor labels intended for use upon bottles of moonshine and other adulterated spirits to be smuggled into the United States as genuine whiskey.

In the Prohibition Unit's main laboratory in Washington, sixteen chemists are constantly at work analyzing samples of the illicit liquor that is being sold in the United States and seized by government agents. Twenty-one

other chemists are at work in the Unit's branch laboratories at New York, Buffalo, Philadelphia, Columbus, Chicago, Minneapolis, Little Rock, and San Francisco.

When an enforcement agent makes a raid, he either brings or sends into one of these laboratories a sealed package containing a sample of the liquor taken. A chemist makes an analysis of it. Sometimes, this is the work of only a few minutes; at other times, a chemist may work for several days on a single sample. When the analysis is completed, a report of the findings is placed in a package with the sample and the whole is sealed and not opened again until the chemist breaks the seal when he is called upon to testify in court.

Upon these scientific results is based the statement that the quantity of genuine liquor sold in the United States is less than one per cent. of the total, and that the great bulk of all liquor sold in the United States is deleterious or poisonous.

Illicit liquors with which prohibition is concerned may be grouped in six fairly distinct classes.

The first is genuine liquor, either imported or manufactured in this country prior to prohibition, and properly aged. As previously stated, there is so little of this class that it plays a decidedly minor part in the illicit liquor trade.

In the second class are concoctions containing some pure liquor diluted in any one of a score of ways. This kind of liquor is almost certain to contain ingredients injurious to human health. Poisonous or not, it cannot be considered real liquor. The quantity in the illegal trade is small.

Synthetic liquors made from pure grain alcohol constitute the third class. The alcohol is diluted, frequently colored, and usually flavored to resemble some one of

the old, standard kinds of liquor. Of this, also, the quantity on the market is comparatively small. Pure grain alcohol is expensive, because of Federal taxes, and hard for the illegal traffic to secure. This kind of liquor usually contains injurious substances and none of it is in any sense real liquor.

The fourth class is moonshine—new liquor distilled from grain, corn meal, fruit, sugar, molasses; in fact, from any vegetable substance that can be fermented.

The fifth class embraces liquors made from denatured alcohol, redistilled in an effort to remove the poisons added in the process of denaturing. These poisons, however, are never completely eliminated. They cannot be eliminated by the means at the command of the illicit distiller; and this class of liquor may contain one or more of scores of poisons.

Classes four and five give the authorities more trouble than all other classes, and cause more deaths, though it is the liquor of the sixth class that causes spectacular death. This class includes concoctions containing wood alcohol as the intoxicating element. In actual quantity, it is unimportant. The speed and certainty with which it kills, however, make it conspicuous.

In the early days of prohibition and after imitations of old, recognized kinds of whiskey had caused numerous deaths, a great many drinkers turned reluctantly to moonshine with the thought that it was free, at least, from poison. As a matter of fact, it contains, perhaps, more kinds of poisonous and injurious substances than any other of the other five classes.

While not often diluted deliberately with poisons, it receives them in a number of ways incidental to the manner of its manufacture. In the first place, moonshine is nearly always made under conditions where cleaniness cannot be

observed, and frequently in surroundings that are unspeakably filthy. In the second place, it is new and raw, and contains all poisons inherent to new whiskey. In addition, it takes up metallic poisons from the apparatus, nearly always crude, in which it is distilled and from containers in which it is poured for transporting to the retail bootlegger or the consumer.

Moonshine liquor is rarely harmless. On the other hand, it is not often virulent poison. Generally, it is a filthy beverage, the continued use of which is likely to lead to impaired health and premature death.

In theory, the process of manufacturing moonshine is harmless enough. It is the same process as that by which pure whiskey is made, but it must be carried on, for the sake of concealment, in places where the essentials of cleanliness are not obtainable. Air, sunlight, and pure water cannot be had in the dark basements, stables, holes in the ground, cellars, and attics—nor even in the remote thickets—where moonshine is made.

In theory, yes; but only in theory. The distillation of moonshine leaves in the product not only the ethyl alcohol but practically all the heavier alcohols—amyl, butyl, and propyl—all of which are deadly poisons; whereas scientific distillation eliminates most of these heavy alcohols by regulation of temperature. The crude methods of the moonshiner, even were immaculate cleanliness observed, would fail to draw these poisons from his illegal wares.

The average moonshiner, interested only in immediate profits, is not careful to apply even such poor measures of cleanliness as are at hand. Frequently, his mash is made of decayed fruits and vegetables, sometimes of fermenting scraps from the garbage cans of the cities. One moonshiner on trial actually made the defense that the mash

found at his still was not mash, but swill for hogs. It was a fairly good defense. Few could have told the difference.

Barrels, boilers, coils, and other equipment become unspeakably filthy after repeated use without cleansing. The fermenting mixture attracts flies, bugs, and all kinds of insects. Snakes, mice, rats, and even cats have been found in the vats. They were not deliberately put there, of course; they fell in and were drowned, and the moonshiner either did not know it at the time or did not take the trouble to remove them.

Stills have been found under hog-pen floors where refuse from the pens fell into the mash. They have been found in stables, concealed under manure piles. In cities it is not uncommon for small-scale moonshiners to use ordinary wash boilers for stills, putting a wire framework over the liquor to be distilled and filling the space above the frame with gunny sacks or other cloths. The cloths become saturated with alcohol, which the operator wrings out into a bucket or other container. In two cases—one on the Gulf coast and the other in the Pacific Northwest—cotton taken from worn-out and discarded mattresses was used to absorb the alcohol.

Even these extremes of filth, however, are mild when compared with what prohibition agents have found in some places. In a Texas city, a moonshiner was operating in the yard of a fertilizer factory, using as his mash vegetable portions of garbage. The report of the raiding officer says that the still was within three feet of a dead horse on one side and that leaning against it on the other side were large cans, alive with vermin, into which the horseflesh was thrown.

"We had to remove these cans," says the report, "to get to the barrels containing the corn mash. The smell of this place was almost unbearable. Several of the offi-

cers became sick and were forced to leave the premises. A photographer came to make a photograph but was overcome and had to leave without getting the picture."

I do not like to mention here such disgusting instances, but it is due the public that the sources whence come the bootlegger's wares be known.

Not all moonshiners are wantonly filthy. Most of them probably take elementary sanitary precautions; but, at its best, their output is unclean.

Much moonshine liquor contains metallic poisons, generally salts of copper or lead or zinc. Only copper is used in the construction of boilers and coils of regulated and sanitary distilleries. In the moonshine distillery, any kind of boiler is used, and frequently the coil is made of lead. Acids of the distillate eat away portions of the lead, which is taken up in the liquor. The man who drinks this stuff continuously develops ailments, often fatal, similar to lead poisoning which sometimes attacks painters and printers.

It is a common practice among moonshiners to place their liquor in old fashioned fruit jars with zinc tops. The acids corrode the zinc, which goes into the liquor in the form of zinc salts. Cases of acute gastritis and other fatal ailments undoubtedly are caused by drinking that sort of moonshine.

The moonshiner's greed for profits adds still other poisons. The mountain moonshiner of the old days, though he was illiterate, knew that the "heads" or "first shots" of the distillation and the "tails"—the scum and the dregs—should be thrown away. He knew, also, that the middle run must be redistilled to make it passable. He did not know that the "heads" were high in aldehydes and the "tails" high in fusel oil, nor did he know that redistilling helped eliminate them, but he did know that unless these things were done even the strong men of the mountains could not safely drink his product.

The modern moonshiner neither knows nor cares. His interest is to get every penny his "run" will bring, and with as little work as possible. Neither "heads" nor "tails" are thrown away.

One of the worst features of moonshine liquor, however, is not that it is filthy, not that it contains metallic poisons, but that it is raw spirits—new liquor not properly aged in wood—and that it contains all the poisons incidental to such liquor. Unfortunately, chemical research in this field has not been exhaustive and it cannot be said with certainty just why new liquor is many times over more poisonous than that properly aged.

One thing, however, is known: the harmful constituents of new whiskey can be removed in only two ways. One is by fractionating in an alcohol column. The other is by aging in a wooden barrel. The first of these methods is not practicable for the present-day moonshiner to adopt. The other he does not practice; often he sells his wares warm from the still.

Chemists of the Internal Revenue laboratory who made thousands of analyses of aged-in-wood liquor before prohibition note that samples of stuff obtained in raids on moonshine stills now coming into the laboratory show a high content of acetaldehyde. The acid, ester, and fusel oil content is not materially different from those of former analyses. In fact, there is more fusel oil in aged than in new liquor, which upsets the theory that the harmful effects of new whiskey are due to fusel oil. The higher content of acetaldehyde (ethyl alcohol converted into something approaching acetic acid) is thought sufficient to give the moonshine everything needed to deliver a complete knockout. Such biological experiments as have been made with acetaldehyde show that it affects the blood vessels, the stomach, the kidneys, the liver, the respiration, and the

temperature. It is a rapid intoxicant. Intoxication caused by it brings about stupor and loss of sensibility.

Next to that kind of moonshine, the liquor most commonly dealt in by bootleggers is made from denatured alcohol, a non-beverage liquor intended for industrial uses. Denatured alcohol originally was pure grain alcohol. Among the denaturants used are carbolic acid, hydrochloric acid, formaldehyde, wood alcohol, pyridine, acetone, and numerous other poisons, all of which, of course, are injurious to the human system.

Theoretically it is possible to recover pure grain alcohol from the denatured product. That is what many illicit manufacturers attempt to do, either by redistillation or by neutralizing the poisons. Almost without exception such a manufacturer is without chemical knowledge or training. The delicate and complicated process by which pure grain alcohol may be recovered is beyond his powers. He succeeds in distilling a liquor from which most of the disagreeable taste has been removed, so that when it is combined with flavouring and colouring substances the buyer will accept it as real liquor. But it still contains small quantities of the poisons used in the denaturing process. The man who takes this kind of liquor into his system—and it constitutes practically the entire stock of the bootlegger with the exception of other moonshine—is certain to take small quantities of from one to a score of poisons, and may take a quantity that will result in serious injury at once or, occasionally, death.

This "recovered" denatured alcohol is often used as the basis for the "smuggled" liquors and imitations of established domestic brands. Gin is made from it merely by the addition of oil of juniper. Scotch whiskey is made from it by adding some coloring matter and a little creosote to give it the characteristic smoky flavour.

Bourbon and rye whiskies often are "recovered" denatured alcohol, flavoured to taste and coloured. The colouring matter is usually caramel or prune juice, innocent enough in themselves.

Poisons are sometimes added for the purpose of giving a "kick" to the liquor, but practically all of the samples coming in to the laboratories have such a powerful and immediately intoxicating effect that the addition of such poisons is unnecessary. In rare cases, a poison may be used for making a "bead" on the liquor when it is poured into a glass. Comparatively harmless soap solutions generally are used for that purpose. The lye contained in the soap solution is harmful, of course, but its deleterious effects are mild when compared with denaturing agents left in the alcohol.

Lye is a fairly frequent element in moonshine poison, but it is not used primarily to make the liquor more intoxicating. The moonshiner sometimes finds that he cannot utilize all his mash as quickly as he should. In an effort to keep it sweet he adds concentrated lye or wood ashes. Lye thus placed in moonshine is much more dangerous than the small quantity put in synthetic liquors to make a bead.

Wood alcohol's toll of deaths and blindness is ghastly. The cases come in seeming epidemics. Apparently they are the product, not of deliberate intent to murder, but of ignorance on the part of the compounder. By taste or smell, it is impossible to distinguish wood alcohol from the pure grain product. Even in the chemical laboratory rather a complicated process is necessary to tell one from the other.

Many cases of wood-alcohol poisoning probably have been due to the fact that a bootlegger or manufacturer of synthetic liquor used wood alcohol by mistake. His victims die more quickly and more violently than those of the moonshiner or the redistiller of denatured alcohol.

Samples have come into the Washington laboratory so perfectly simulating rye and Scotch whiskey that neither by sight nor smell could the difference be detected. Yet they analyzed only wood alcohol, plus colouring and flavouring. It is almost inconceivable that any man deliberately would make such a concoction. The inference is that the makers used wood alcohol in the belief that it was grain alcohol, or, at the worst, redistilled denatured alcohol.

There are in the record a few instances of deliberate poison mixing, but here again the mixer apparently did not expect the purchaser to drink the product. The mixer made, apparently, something to sell only on sight, but to be detected as a fraud by smell or, failing that, certainly on touching the lips. There are in the laboratory samples of "whiskey" which are nothing but water coloured with iodine. Bearing the labels of popular old brands, their appearance would deceive even the distiller of those brands.

While the great bulk of illicit liquor sold in the United States is distilled, with wines and beers playing a decidedly minor part, there are, however, some home brews and some wines on the market which contribute to the adulterated supply of intoxicating drink.

Home-brewing appears to be dying a natural death. Many persons who tried it have found that, without adequate brewery equipment, they cannot make anything fit to drink. Such brews, however, as are on the market for the most part are injurious. Conditions under which they are made generally are such as to render it impossible to control fermentation. Wild yeast and filth add their poisons.

Considerable quantities of wine are made and sold illegally, particularly on the Pacific Coast and in some of

the large cities of the Northern states, from rotten grapes. Wine-making of this sort is done usually under unsanitary conditions. The product has so poor an appearance (unless it is doctored) that few will buy it. Permanganate of potash, a violent poison, often is added to give this stuff the colour of real grape wine.

Poison liquor long has been drunk as a beverage. In this country its trail runs back to pioneer days. The "fire water" with which the irresponsible trader started the Indians on the war path probably did not differ materially from the so-called gin which incited unfortunate Negroes to frenzied outrage and put the South in the vanguard of prohibition.

Delirium tremens was the aftermath of real liquor in its day. The aftermath of bootleg liquor often is a stupefaction following hard on the heels of frenzy. It may bring loss of sensation even while consciousness remains. The records reveal the case of a man who, wild from synthetic liquor (supposedly smuggled goods), had a broken leg set without taking an anesthetic. So completely had the liquor benumbed sensation that he felt no pain.

From all parts of the country have come reports of after-effects of bootleg liquor more weird than delirium tremens. Sometimes the victim prefers death to the agony and, with closing consciousness, takes his own life. A young actress, for instance, who killed herself in her dressing-room in a Washington theatre, lived long enough to say that the effects of the liquor drunk at the party had caused her to seek death as relief. Again, there was the case of a young woman on a Hoboken ferryboat who took a drink from a flask carried in the pocket of her escort. Almost immediately she staggered to the stern, plunged into the Hudson and was drowned.

Who drinks bootleg drinks with Death.

CHAPTER XV

SAFEGUARDING LAWFUL LIQUOR ACTIVITIES

SAFEGUARDING and facilitating the lawful use of alcohol is as much a part of prohibition enforcement as preventing and suppressing its unlawful use. Congress and the Constitution have placed both duties upon the administrative arm of the Government.

Few, if any, more important articles of legitimate commerce are manufactured or sold in the United States than alcohol. Without it, the industry of the nation could neither progress nor maintain itself. From pharmaceutical preparations used at birth to the fluid with which the body is embalmed at death, the individual is constantly dependent upon the legitimate use of alcohol. Of its hundreds of uses, only one is outlawed.

Protection of the rights of the lawful industrial and medicinal liquor users is just as imperative, under the law and in the promotion of public welfare, as the apprehension and punishment of those who violate the law and abuse the privileges conferred by it.

The fact that a great number of persons and establishments use alcohol in legitimate ways adds to the difficulty of prohibition enforcement. To the bootlegger and the illicit rectifier, alcohol holds strong temptations. Even the denatured kinds, many deadly and all unfit for human consumption, must be guarded at all times to prevent theft. Despite all precautions, some portion of the al-

cohol meant for industrial uses is diverted from its legitimate purpose. That, however, is simply a troublesome incidental phase.

Except in cases of persons using completely denatured alcohol which cannot possibly be diverted to beverage use without redistilling, every user of alcohol must obtain a basic permit and give bond that he will not illegally divert the alcohol obtained. His personal character also is passed upon and his place of business inspected. Even when those requirements have been complied with, he cannot actually purchase alcohol until he obtains a permit to purchase, with the name of the vendor written in the application.

The vendor himself is operating under permit and bond, with the additional safeguard that government storekeeper-gaugers or other government officials are on duty at his plant to make certain that the business is conducted in accordance with the law.

The list of businesses, institutions, professions, and individuals that may lawfully use alcohol is long and varied. It includes nearly all manufacturing industries, the products in which it is used ranging from cigarettes to smokeless powder, and from photograph films to artificial silk.

Without alcohol, the chemist would be as helpless as the builder without cement. That applies equally to the chemical engineer who works out new processes in manufacturing, to the experimental chemist in college or private laboratory, and to the practical chemist whose work connects closely with that of such professional men as the pharmacist and the physician.

Without alcohol, no anesthetic ether could be manufactured. Without alcohol, pharmacy—from the large manufacturing plant to the retail drugstore where doctors'

prescriptions are compounded—would be destroyed, for the science rests on the use of alcohol to extract the active medicinal principles from crude drugs.

Every physician, therefore, though he may not subscribe potable liquor to his patients, uses alcohol in the medicines he does prescribe. The dentist, also, must use it, and the surgeon finds it essential in maintaining that impeccable cleanliness upon which the marvelous modern success of his profession rests.

The hospital, the sanitarium, the first-aid station—all must have alcohol in order properly to carry on their work of relieving suffering and preventing death, and some religious organizations hold that fermented wine is essential in religious rites.

All these and other legitimate users of alcohol or of substances containing it must be protected in their rights, and our steadfast purpose is to give them that protection with the least possible measure of inconvenience consistent with safety. In carrying out that policy, some little alcohol undoubtedly passes into the hands of swindlers, but it seems better to take the risk than to make the regulations so onerous that honest people cannot secure the alcohol they need.

Fully two thirds of all alcohol produced in the United States is denatured and used mainly for technical purposes. As a general solvent in organic compounds its use in large quantities is necessary in the manufacture of paints, varnishes, shellacs, dyes, and scores of other products. These uses have developed through the fifteen years since denatured alcohol was authorized, and many of the regulations governing them were made long before prohibition became a fact.

To the layman, denatured alcohol is likely to mean only one thing. To the prohibition official, it means

seventy-six things, for there are that many kinds of denatured alcohol. Seventy are specially denatured for particular purposes. The other six kinds are completely denatured and are utterly unfit to be taken internally in any form. These six constitute the bulk of the denatured alcohol used in industry.

The denaturants used in the six formulas for completely denatured alcohol are wood alcohol, benzine, pyridine, kerosene, ether, gasoline, nitrobenzine, and orthonitrotuene. In each of the formulas, there are combinations of two or more of these denaturants which impart odor and taste and, in addition, make recovery of potable alcohol from the mixture extremely difficult. The usefulness of the alcohol, however, is not impaired for solvent purposes where the presence of poisons is not objectionable.

Completely denatured alcohol may be bought and used without a permit from the Federal Government. After the alcohol has been completely denatured, which is usually done at the distillery, the Government maintains no further supervision over it, except to require that it be not used for beverage or for certain other prohibited purposes. For example, the use of completely denatured alcohol is not permitted in any medicinal product intended for internal use.

The other one third of the country's alcohol production, consisting of specially denatured and pure alcohol, is the portion with which the prohibition official is especially concerned.

Of the seventy authorized formulas for specially denatured alcohol, many are designed for use in manufacturing pharmaceuticals, perfumery, and various other articles, such as soap, the legitimate use of which makes impossible the employment of violent poisons. Many of the special denaturants are comparatively harmless mix-

tures, such as lavender and soft soap, or oil of peppermint or wintergreen and menthol crystals, or camphor and menthol crystals. Some, on the other hand, are composed of such strong substances as sulfuric acid and iodine. Hundreds of denaturants are used in the seventy formulas, each of which unfits the alcohol for use in beverages but does not unfit it for use in the particular product for which it is designed. For example, alcohol denatured with tobacco solution is used in manufacturing smoking tobacco.

The manufacturer who desires permission to use denatured alcohol of one or more of these special formulas makes application to his Collector of Internal Revenue, naming the special formulas desired, the products or processes in which he expects to use the alcohol, and the total quantity of alcohol he will use within thirty days. It is frequently necessary that the full formula of the product accompany the application, and a sample of the product is sometimes required. All of this is necessary in order that the Treasury Department may know whether or not the process is one in which tax-free alcohol can be legitimately used. If the manufacturer expects to recover the alcohol after it has served its purpose, a description of the apparatus to be used in recovery must accompany the application.

With the application for permit must come, also, a bond, either personal or surety. The smallest bond that may be filed, $500, covers the use of not more than ninety-nine gallons of alcohol in a thirty-day period. The largest bond that may be filed is $100,000, and under it a manufacturer may use practically an unlimited quantity of specially denatured alcohol subject only to the limitations for use stated in the application.

When the Collector has determined the tax questions involved he sends all of the papers to the State Prohibition

Director who transmits them to the Prohibition Commissioner. If approval can be given under the law and regulations, a permit to use specially denatured alcohol is issued. With the basic permit goes a withdrawal permit on which the manufacturer may obtain the required quantity of specially denatured alcohol from one or more denaturers or bonded dealers which he himself names in his application.

The basic permit and bond remain in effect until withdrawn or cancelled for cause, but the manufacturer must make a report at the end of each month showing the quantity of alcohol on hand at the beginning of the month, the quantity bought during the month, the quantity used in manufacturing, and the quantity on hand at the end of the month. Every step of the process is necessary to enable the Government to keep track of all tax-free alcohol, and the process has been made as simple as possible consistent with this necessity.

An additional regulation requires the manufacturer to keep specially denatured alcohol in a locked storeroom, but this is no more than any prudent manufacturer would do in the absence of governmental requirement.

Permits to purchase specially denatured alcohol are carefully guarded against fraudulent use, and after issue are confirmed. No effort is spared to prevent diversion and manipulation of specially denatured alcohol in attempts to restore it to beverage purposes.

Grain alcohol—though not all of it is distilled from grain—and the potable liquor permitted various classes of persons and institutions for lawful uses, with minor exceptions are handled under the permit and bond system. The supplies from which they are drawn are stored in distillery bonded warehouses, in distillery free warehouses, in concentration warehouses, and in bonded wineries. A

bonded warehouse is one in which, prior to prohibition, whiskey or other distilled liquor was stored when distilled, and in which it was kept in barrels, under government supervision, for from four to eight years. At the end of that time, the internal revenue tax was paid, and the liquor was withdrawn from bond and placed in the free warehouse, no longer under government supervision. With the coming of prohibition, however, the free warehouse also passed under government control.

From these two classes of warehouses, liquor has been withdrawn for legitimate purposes since the beginning of prohibition. In many of them, withdrawals reduced the stock considerably, yet the number of guards and other officials necessary to prevent theft and illegal diversion was as large as at the beginning. Recently, as an economy measure provided for by special legislation, the Government has designated twenty-eight centrally located concentration warehouses. From these classes of warehouses, all under government control, permittees draw all that is legitimately used in this country of pure alcohol, whiskey, brandy, gin, and other distilled spirits. From bonded wineries, regulated in much the same way as bonded distillery warehouses, is withdrawn wine for lawful use.

To protect legitimate users, a carefully worked-out permit and bond system is employed. This system has been greatly strengthened and safeguarded during the past two years. Diversion is much more difficult now than it used to be, as reference to the record discloses. In 1920, whiskey withdrawals amounted to 12,389,529 gallons; in 1922, to 1,819,888 gallons, a decrease of more than eighty-five per cent.

No distilleries in the United States are authorized at this time to make whiskey or any distilled liquor other than alcohol. The law and the regulations provide that

permits may be issued for making whiskey and other liquors when the supply already manufactured and stored in warehouses becomes insufficient for legitimate purposes. Up to this time, the supply in warehouses has been ample for all lawful purposes. A number of distilleries have applied for permits but they have been denied.

Bonded wineries, however, are operating under permits to manufacture and furnish wine to the legitimate trade, but they must comply with strict regulations to prevent their product from passing into unauthorized hands. The wineries now operating are mainly in California and Western New York. There are a few in Ohio and scattering ones elsewhere through the country.

The occasional wine maker who, despite the hazard of losing his permit, may be disposed to divert his product to unlawful uses does not long succeed. A millionaire wine maker in California not long ago paid a fine of $1,500 and was sentenced to three months in jail.

Industrial alcohol plants and bonded warehouses from which the entire supply of pure alcohol is obtained are also operated under permit. At the moment about seventy such permits are out, though less than half of the distilleries holding them are active. Of the active half, several are located in breweries engaged primarily in making cereal beverages but recovering alcohol as a by-product. The most important group of the active alcohol distilleries, using cane molasses as the material from which the alcohol is distilled, are located along the Atlantic seaboard from Boston to Baltimore, and on the Gulf coast in the neighbourhood of New Orleans. On the Pacific Coast, a group of distilleries are making alcohol from beet-sugar molasses. A third group is in the Middle West, mainly in Illinois and Indiana. These distilleries are offshoots of the old whiskey plants and are making

alcohol from corn. There is no essential difference between the product from molasses and corn and all of it is classed as grain alcohol.

While permits are issued from the office of the prohibition commissioner in Washington, applications for permits must be made to the prohibition director of the state in which the applicant lives. The initial decision as to whether a permit shall be granted is thus made by an official who is in position to know the applicant's personal standing in his community. After investigation, the state director writes his recommendation on the application and sends it to the prohibition commissioner in Washington. If the state director's recommendation is adverse, the application usually is refused. Even if the director recommends that the permit be granted, the commissioner may still refuse to issue it, and does refuse if additional facts in his possession justify it. Ordinarily, however, recommendations of state directors are followed.

The permit, when granted, is not mailed to the applicant but to the state director. If, since making his original recommendation, the director has ascertained facts detrimental to the applicant's character, or if circumstances have arisen which make it appear probable that the alcohol might be improperly used, the director may decline to deliver the permit to the applicant and may return it to the commissioner for cancellation.

Manufacturers using grain alcohol in making pharmaceuticals, patent and proprietary medicines, laboratory supplies, perfumes, extracts, soda water flavours, and the like, are required not only to secure a permit and give bond but to furnish fairly full information as to how the business is conducted. With the application, there must come to the state director a complete list of products to be manu-

factured, the alcoholic strength by volume, the complete formula for each product, and the label under which it is to be sold.

A corps of trained pharmacists passes on all formulas thus submitted. To obtain approval, a formula must be such that the product when finished will be unfit for use as a beverage and contain no more alcohol than is necessary for extraction, solution, and preservation of the ingredients.

If all requirements are met, the manufacturer is given a basic permit to use alcohol. Or the permit may authorize the use not of alcohol but of wine, which takes the place of alcohol in many authorized pharmaceutical formulas. The basic permit, however, does not authorize the purchase of alcohol or wine. For each purchase made, a separate permit must be secured from the state prohibition director.

Three times over, the retail druggist, if he wishes to avail himself of the full privileges of the law, goes through the same procedure required of the pharmaceutical manufacturer. He may obtain three permits. One of them authorizes him to use alcohol in pharmaceutical work; the second permits him to sell alcohol as such on physicians' prescriptions, and the third permits him to fill prescriptions for potable liquor, if they are written on required prescription blanks and signed by physicians who have secured permits to prescribe liquor. The potable liquor permit, however, is issued to druggists in only half the states of the Union. In the other twenty-four states, there are state laws prohibiting the sale of potable liquor, even on prescriptions.

Both manufacturer and druggist are limited to their actual needs in the quantity of alcohol they may purchase, and regular reports are required showing purchases, sales, and stocks on hand.

The actual need is suggested by the druggist himself and determined upon result of investigation. In no case can the liquor sales of a wholesale druggist exceed ten per cent. of his total drug business sales. This regulation was adopted under the present administration, and it is one of the surest safeguards in the matter of control upon well established legitimate basis.

Like the druggist, the physician may obtain three kinds of permit for the use of alcohol. The doctor who compounds some of his own medicine may obtain a permit authorizing him to use alcohol in pharmaceutical manufacture. He may also obtain a permit authorizing him to prescribe liquor or alcohol. For this purpose, regulation prescription blanks are provided, not to exceed 100 per quarter, and he may not prescribe more than a half pint of alcohol or a pint of whiskey for any patient in a ten-day period.

Finally, the physician may have a permit to carry alcohol in his medicine case or to keep it in his office for emergency use. If he is a general practitioner, his emergency supply is limited to six quarts a year. The rule, however, is flexible, depending upon actual legitimate needs, and some classes of specialists are permitted as much as ten gallons of alcohol a year.

Dentists' permits authorize the use of two gallons of alcohol a year in general practice. As with physicians, specialists whose work requires it are permitted larger quantities. Veterinary surgeons, also, may take out permits to use alcohol to the limit of two gallons a year.

For all these classes of users, the requirements as to permit and bond are practically the same as for the manufacturer. Application is made to the state director who, after investigation, passes it on with his recommendation to the prohibition commissioner for final action.

There are other classes of permittees who use alcohol for the relief of suffering and disease, and the regulations regarding them vary slightly. Hospitals and sanitariums must comply with permit regulations but, except for those treating patients for the cure of alcoholism, are not required to give bond.

Police stations and first-aid stations of various kinds, in order to obtain a permit, must show that a doctor or trained nurse is in charge and even then the use of potable liquors is not permitted.

Research workers in federal and state offices, in colleges and private laboratories are given permits, with such restrictions as are necessary, for using alcohol in their work.

An entirely different class of legitimate users consists of those who use wine in religious rites. Many Protestant churches no longer hold to wine but use unfermented grape juice in communion services. None the less, the demand for sacramental wine is a legitimate use with which the Government must always be deeply concerned. Different as it is in conception from all other legitimate uses, it has this one thing in common with them: careful watching of the supply is constantly necessary. In the presence of the bootlegger, even the wine of the sanctuary is not safe.

Two instances are on record in which church officials were convicted of diverting the wines entrusted to their care. Against one of these men, a California rabbi, who is also a grocer, an injunction was obtained, closing both his grocery and his residence. Because he had a large family, he was permitted to reopen under heavy bond. In Wisconsin another was found guilty in five cases of bootlegging and sentenced to serve three months in jail on each count.

Permits for sacramental wine are issued by state prohibition directors to ministers, priests, rabbis, or other church or congregation officials. Approval by the commissioner is not required, but strict regulations must be complied with. For churches having a hierarchal form of organization, the head of the ecclesiastical jurisdiction—ordinarily the bishop of the diocese or a corresponding official who is at the head of a territorial association of churches—is required to approve all applications of the clergy or to designate some other person to act in his stead. In the case of churches having a congregational form of organization, the individual minister, priest, rabbi, or other person authorized by the congregation, makes application direct to the prohibition director. No ecclesiastical approval is necessary except that the applicant must establish his identity as the representative of a church or religious congregation.

Instead of obtaining a permit to purchase wine, a minister, priest, or rabbi, may secure a permit to manufacture enough wine to supply the ritualistic needs of his congregation for one year. In that event he must operate the establishment as any other bonded wine-maker does. Wine manufactured in ritualistic wineries cannot be consumed on the premises but must be tax-paid and removed to the church, synagogue, or homes of the congregation under regular permit system. No such wine can be sold to any other congregation.

The larger part of ritualistic wine is used, not in church services but in religious rites in the homes of the members. In the main, these are Jewish homes. Not all Jews, however, observe in their homes rites requiring the use of wine, and those who do not observe such rites clearly are not entitled to take wine into their homes. The responsibility, therefore, is placed on the rabbi to determine

whether or not any particular family actually requires wine for use in religious rites. The largest quantity of ritualistic wine that may go into a home is ten gallons a year.

Cereal beverages, cider, and vinegar can be manufactured legally only under permits issued by the prohibition commissioner, and under bond.

Although legal beer to-day contains less than one half of one per cent. of alcohol, it is brewed exactly as intoxicating beer was brewed prior to prohibition. The excess alcohol is removed after brewing, usually in one of two ways. By one method, the alcohol is conserved; by the other it is wasted. Breweries conserving their alcohol must qualify as alcohol distilleries and storekeeper-gaugers are placed in charge of them. In breweries where the alcohol is wasted—either by going up in fumes or being diluted with water and run into the sewer—the supervision is effective but less rigid.

The cereal beverage product of these plants must be so treated that it must not contain in excess of one half of one per cent. alcohol, before removal for sale.

There are no breweries in the United States legally manufacturing beer containing more than one half of one per cent. of alcohol as finished product. There is no such thing as medicinal beer. Congress, at its last session, enacted a law forbidding the prescribing of malt liquors.

Cider and vinegar manufacturers must comply with practically the same permit and bond requirements imposed upon manufacturers of cereal beverages. The alcoholic content of cider to be sold and used as such may not exceed one half of one per cent. Cider, therefore, must be treated with an anti-ferment agent or put up in sealed containers to prevent fermentation. Cider to be

used later in the manufacture of vinegar is not limited as to its alcoholic content, but it must be made into vinegar without removal from the plant or sold under permit to vinegar manufacturers.

There is one other class of permits—those involving export and import of intoxicating liquors. Under the law, spirituous liquor may be exported for non-beverage purposes or it may be imported if the supply in this country is not sufficient for legitimate needs. Up to this time, the stock on hand has been ample for all legitimate purposes and no import permits have been issued. Many persons have sought export permits, but permits have been denied where they have not been able to show that the liquor was to be used for non-beverage purposes. In practice, the number of such permits granted is small.

The duty of the Prohibition Unit to safeguard the interests of all these classes of legitimate users is one involving not the prosperity of the nation alone, but the health and even the lives of the people. It is not a passing duty, nor a diminishing one. The work will become heavier rather than lighter. Alcohol is an increasingly important commodity in national life. It is constantly applied to new uses. For instance, it is within the real realm of probability that the motor fuel of the future will be largely alcohol.

In considering the future of legitimate alcohol, we must consider, too, the paramount question of national defence. Our military leaders tell us that the next war may be one of gases, airplanes, high explosives. To all of these alcohol is a prime essential. The nation should have at all times facilities for turning out an adequate peace-time supply, and such other facilities as can be quickly converted to the exigencies of defence.

In that light, it is of little importance that a commodity which contributes to the national security happens to add to the difficulties of enforcing the prohibition law. It cannot be otherwise. A barrel of alcohol, tax-paid, costs from $250 to $300. Converted into bootleg whiskey and sold at $10 a quart, it returns about $4,000. The tremendous profit attracts the thief. Occasionally, it will tempt a manufacturer of little moral stamina to become a violator of the law which protects him. That we anticipate. For handling him and his fellows we are daily becoming better prepared.

CHAPTER XVI

JUSTICE, AND THE PROHIBITION LAW

THE American conception of Justice includes neither field day nor bargain counter. With covered eyes she sits in chaste and simple dignity, keeper of the scales in which are weighed the rights and wrongs of man. Before her all men are equal. Neither passion nor prejudice, hatred nor fear, sway the calm majesty of her pronouncements.

Such is the ideal that we of America have given into the keeping of our courts. Theirs is the function of interpreting the Constitution and the law. Having interpreted these, theirs, too, is the function of administering justice. To him who has been wronged they afford relief; to the guilty they say, "This shall be your punishment."

When our courts function in the spirit of this ideal—and, happily, the great majority do so function to-day—they constitute a bulwark against the forces of national disaster. When they fail to function in that spirit with respect to any particular law, they not only become derelict to a degree in the performance of their duty toward the society which created them and entrusted them with a heritage beyond price, but, in effect, invite further breach of the statutes which they by their attitude bring into disrepute.

If a judge may say with propriety, "I don't like the prohibition laws and refuse to take them seriously," another judge with equal propriety may say the same

thing of the laws against murder and a third judge may say the same thing of the laws against burglary. Where else could such a course of conduct lead eventually but to the disrepute of all law?

For the most part those who administer American justice are men of high repute, fearless, courageous, scrupulous in their performance of duty, the highest type of American citizenship. They preside, indeed, over Courts of Justice.

But there are a few judges in the land who use their high positions occasionally to express their disdain of the Volstead Act. Such judges are numbered among the outstanding obstacles of prohibition enforcement work. It is time that they should take the prohibition laws seriously. It is their duty to administer justice; it hardly lies within their province to exploit personal opinions or prejudices from the bench. The Supreme Court of the United States has decided the constitutionality of the Volstead Act and that question should be considered settled.

Long delay in bringing prohibition cases to trial and light fines upon convictions have contributed in no small way to the spirit of defiance in which bootleggers hold the law. Not long ago I questioned a bootlegger known as an old offender. He told me he had been arrested four times and added, with a grin, "I always manage to get out all right." In another case, a judge is reported to have fined a second offender five cents and when the defendant couldn't pay the fine, the judge put his hand in his pocket and paid it himself.

What fear has the bootlegger of that kind of justice?

In some instances, courts have conducted "field days" for bootleggers, accepting pleas of guilty and imposing fines, rather than jail sentences, in such instances. Gener-

ally, bootleggers have been quick to avail themselves of such opportunities.

Approximately 150 cases involving violations of the prohibition laws were disposed of in that manner in four days by one judge. In each case a fine was imposed; in no case a prison sentence. The total of the fines amounted to about $30,000, or an average of $200 for each defendant. Among the bootleggers appearing before this judge was one man who was reputed to have made more than a million dollars in two years of illicit trading in whiskey. He paid fines, for himself and employees, amounting to $800.

Another defendant who went to the so-called bargain counter of justice was a man upon whose property was seized one of the largest stills found in the vicinity. His offence was punishable by a maximum penalty of $1,000 fine and imprisonment for one year. He admitted that he had rented the property with knowledge that the tenants intended to use it for the illegal manufacture of whiskey. His punishment was a fine of $250; two men who were found operating the still were fined $100 apiece.

When seized, the still was producing moonshine to the extent of $600 worth daily, at bootlegger's prices.

The owner of a notorious dive who pleaded guilty to selling wine to prohibition agents was fined $150. One habitual criminal, against whom there were eleven counts in connection with the illegal operation of a roadhouse, was fined $500. He also paid fines of $100 each for two employees.

Of the judge who imposed these fines, a local newspaper said:

> He was scintillating, caustic, epigrammatic. His pithy comments brought smiles and even laughter from the habitués who had dropped into the courtroom to see what was going on.

And the bootleggers who a moment before had stood in abject humility under the searching bright eyes and the withering remarks of the court, left the room with smiles wreathing their faces.

At one session of this court, according to a local newspaper, "standing-room-only rules prevailed to-day as guilty distillers, dispensers and deliverers of moonshine or the real stuff trod on each other's heels in their haste to enter the court, enter a plea of guilty, and be fined."

"Even 'Innocent' Insist On Pleading Guilty," one newspaper announced in headlining its account of one day's proceedings in this court.

In sharp contrast with such "bargains" in justice, was the pronouncement of a Federal judge in another near-by state.

"I have made up my mind that persons who sell liquor are going to jail," this judge was quoted as saying. "There will be no getting away with fines. They are going to jail every time I can send them there. I am going to stop this liquor selling if I have to fill all the jails in the state."

A hundred bootleggers awaiting sentence faced this judge at one time. Others, unable to get into the crowded courtroom, stood in anxious little groups in the corridors.

As the defendants came before him, one by one, the judge pronounced jail sentences. These sentences were generally of sixty or ninety days imprisonment plus a fine. After an hour or less, the marshal held up his hand.

"Your Honour," he said, "the jail is filled."

"How about the —— County jail?" asked the judge.

There was plenty of room in the —— County jail. About thirty defendants were sentenced to terms there. Again the marshal held up his hand; that jail, too, was filled, he said. The Court inquired about two more county jails and proceeded with the pronouncement of sentences, filling those jails, too.

It is significant commentary that the prohibition laws are now generally respected within this judge's jurisdiction and that the illicit sale of liquor has been greatly reduced in that section. Jails thus filled do not, as a rule, remain filled longer than the expiration of the terms to which the offenders are sentenced. Imposition of prison sentences, rather than fines, tends to bring about a degree of respect for the law that ultimately empties jails.

One fearless Federal judge recently was quoted as charging a grand jury whose duties included the consideration of prohibition law violations as follows:

> The hope in the hearts of a minority of this country that liquor is coming back is fast dying out. The bootlegger and the blockader are fighting a hopeless cause. The United States has never been whipped in any war yet and it will not be whipped in the battle which has been joined by these enemies of American homes, of American traditions, of American institutions and of American destiny. The only war, I pray God, that this Republic will ever be forced to engage in hereafter is the war to drive liquor eternally out of existence in our land. . . .
>
> This court believes in the enforcement of the laws which have been enacted to govern the sale and use of whiskey. I am no fanatic on the subject but I do have the conviction that ninety per cent. of the crimes that have been committed in this nation, ninety per cent. of the suicides, the heart breaks, the wrecked homes and the destroyed wealth, property and life of this Republic, is distinctly traceable to the whiskey traffic.
>
> I am supported in this opinion by all the intelligent sentiment of the times. And the people who believe this and hold that whiskey is the greatest enemy to our civilization, the people who acted properly and duly and promptly in such legislation as has taken this traffic in tow, are the same people who want the laws enforced impartially, fearlessly, and without the slightest sort of discrimination.
>
> That's the way this court is going to enforce the prohibition laws--humanely, of course. I do not believe in cruel, heartless courts. There are always some mitigating circumstances about

human frailty that should be considered. When I contemplate that the American people of to-day have inherited their taste for liquor and inherited in a large measure whatever approval of it is left among us, the wonder is to me that the laws are enforced as well as they are. . . .

However, there must be an impartial administration of the law, not one kind of punishment for one violator of the amendment and another kind for still another. The law must be invoked with equal effect upon all defendants alike, high and low, rich and poor, prominent and obscure.

Another Federal judge, in charging a grand jury about to undertake inquiry into many charges of bootlegging, was quoted as saying:

In those cases investigated by you, where the evidence warrants, you should not stop with the indictment of the bootlegger, but include with him his customers. They are co-conspirators and confederates in the violation of the law. The man who furnishes the money and the man who furnishes the rum should stand or go down together.

Such judges reflect the sentiment of all that is best in bench and bar. They represent accurately the views of the overwhelming majority of the American people. And not only are these and many other wearers of the ermine on record as to where they stand on prohibition enforcement, but the lawyers and judges of America, through their organization, the American Bar Association, have taken no less unwavering alignment for law enforcement. Witness the pronouncement two years ago of the judicial section of the Association, in session at Cincinnati:

The people of the United States have undertaken to suppress the age-long evil of the liquor traffic. When for the gratification of their appetites, lawyers, bankers, merchants, manufacturers, and social leaders, both men and women, scoff at this law, or any other law, they are aiding the cause of anarchy, and promoting

mob violence, robbery, and homicide. They are sowing dragon's teeth and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

There can be no doubt as to the attitude of the nation's chief law enforcement officer, Attorney General Daugherty, to whose Department is entrusted the task of prosecuting violators of the prohibition laws. In his address before the American Bar Association at Cincinnati in 1921 he touched upon the question of personal liberty and on that subject said:

Let me not be misunderstood. I do not mean to impute moral turpitude to him who is opposed to the Eighteenth Amendment or similar amendments in our state constitutions or who is opposed to the Volstead Act or similar legislation in our states. All I mean to say is that the argument of undue abridgment of personal liberty advanced to-day has in the past been advanced by every champion of lawlessness who has sought to find an excuse for unlawful conduct. . . .

When public sentiment has crystallized into law there can be no question as to the duty of good citizens with reference thereto. They may still debate as to the wisdom of the law, but there is only one course of conduct, and that is obedience to the law while it exists.

From the standpoint of the Government the only sound view is that of law enforcement. Whatever differences of opinion exist in views as to the wisdom of some of these laws can be of no concern to the agencies of law enforcement. The executive department cannot make the laws. It is equally true that it cannot nullify laws.

To refuse or to neglect to enforce a valid enactment of the legislative department of government, or to enforce it mechanically or half-heartedly, or to wink at its violation, is without justification on any sound theory of government. Those who ask it or expect it not only contribute to lawlessness, but destroy the basis upon which their own security rests. Our safety and happiness lie in obedience to law by every man, woman, and

child within the domain of our Republic, and no one can undermine respect for law without being, to that extent, an enemy to law and orderly government.

My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by Government which I am at liberty to call to my command.

To the small minority of our judges who by their official acts manifest their private prejudice against the prohibition laws, I commend for consideration the utterances of their colleagues cited above, the formal pronouncement of the judicial section of the American Bar Association and the utterances of the Attorney General.

A perusal of some of the recent decisions of the United States Supreme Court might also be of interest to the few judges who hold the prohibition laws in light esteem. These decisions, covering many points raised by persons out of sympathy with law enforcement, are both clear and illuminating.

One of the first attacks upon the constitutionality of the National Prohibition Act was carried to the Supreme Court in the case of Ruppert *vs.* Caffey. In that case, the power of Congress to define as intoxicating liquor "Any beverage containing one half of one per cent. or more of alcohol by volume" was considered. Certain brewers contended that the definition of intoxicating liquor by Congress worked a peculiar hardship and loss to owners of breweries and manufacturers of beer; and, by becoming effective immediately upon its passge, the law was arbitrary and unreasonable.

The Supreme Court held that Congress had the power to enact Title I of the National Prohibition Act and that it acted within the scope of its constitutional authority in defining intoxicating liquor.

The states of Rhode Island and New Jersey sought to enjoin the execution of the Volstead Act. In the case of Rhode Island *vs.* Palmer the Supreme Court settled the validity of the Eighteenth Amendment and the power of Congress to enact legislation making the amendment effective.

In the cases of Street *vs.* The Lincoln Safe Deposit Company and Cornelli *vs.* Moore, the Supreme Court decided the status of liquor stored in private and government bonded warehouses.

Attempts to nullify the internal revenue laws relating to intoxicating liquor on the grounds that they had been repealed by implication when the National Prohibition Act was passed, were brought before the Supreme Court in the case of United States *vs.* Bose Yuginovich. In that case the Court held that some of the less important provisions of the former statutes had been repealed.

That decision was quickly followed by the enactment by Congress of the Willis-Campbell Act including a provision that all laws relative to the manufacture and taxation of liquor effective on the date of the passage of the National Prohibition Act should be considered as still in effect and that the Government should have the option, in appropriate cases, to proceed either under the internal revenue laws or under the National Prohibition Act in the prosecution of cases. It was provided, however, that conviction under one law should be a bar to prosecution under the other.

After the enactment of this law various convictions were secured under the revised statutes and on a constitutional question a case reached the Supreme Court again to test the effect and force of the so-called revenue laws. On January 2, 1923, the Supreme Court, in the case of United States *vs.* Staffoff *et al*, held that the former

decision in the case of United States *vs.* Yuginovich was nullified as to violations of law committed after passage of the Willis-Campbell Act and that offences committed after the passage of that Act were punishable under the revised statutes covering illicit distilling or under the National Prohibition Act as the Government might choose to elect.

Prosecution of violators of the prohibition laws by both State and Federal governments for the same offence was upheld by the Supreme Court in a decision handed down in the case of United States *vs.* Vito Lanza, *et al.* The Court held that an act denounced as a crime by both national and state sovereignties is an offence against the peace and dignity of both and may be punished by each.

There are other decisions of importance by the Supreme Court; but those cited above suffice to illustrate the attitude of our highest tribunal with respect to the Eighteenth Amendment and the laws enacted thereunder. One looks in vain for a phrase or word to indicate that the prohibition laws are held lightly or in low esteem by the highest court of the land.

Happily, the judges of America, for the most part, have taken a similar attitude in most of the cases originating in their courts. And gradually the violator of the law is coming to realize that he may not disobey the prohibition laws with impunity. True, the realization has come more quickly in jurisdictions where prison sentences are imposed, but almost everywhere it is apparent. One of the most distinguished Federal judges in the United States wrote recently as follows:

> My colleague and I have been enforcing the law and I am proud to report that, comparatively speaking, in this district the law is respected and our experience shows that it can be be enforced. You would expect that this would be one of the most

difficult centres in the United States, but among the crooks of the underworld this city has the reputation of being a place to avoid in the traffic in intoxicating liquor, and likewise has —— the same reputation.

Of course, we have plenty to do, but I assure you that it is not anywhere near the burden that I expected it would be, and it is getting lighter all the time. If in other districts the same degree of insistence on honoring the law was reached, our own burdens would be much lighter.

Let us look at another kind of judge. To quote an enforcement official:

> There is only one source of hindrance [to enforcement work] and that results from the attitude of Judge——. His hostility to prohibition cases clearly encourages the criminal class, as it manifests itself in his rulings from the bench and correspondingly discourages our agents. Most of the cases in which they are witnesses are dismissed upon peremptory instructions from the bench.

When public officials take an attitude hostile to law it is difficult to get juries to convict. The attitude of the judge and the prosecuting attorney has much to do with the verdict of the jury. In some cases, I am informed, it would be difficult for an observer in the courtroom to tell at times whether it is the bootlegger or the prohibition agent who is on trial.

The attitude of these public officials undoubtedly would change if some of our better citizens would attend the courts. Friends of the bootlegger throng the courtroom, but friends of the law remain away.

The Christian citizenship of America is beginning to realize the patriotism of serving in the jury box. This sense of duty should be extended to the point where we should feel also an obligation to be present in the courtroom whenever opportunity permits or necessity demands

our presence there. Wherever this favourable attitude of citizens toward the law is manifested the prohibition laws are respected and made effective.

On reading the foregoing I find that I have failed to include in this presentation an illustration I had in mind of difficulties occasionally placed by some officials in the pathway of loyal workers for law enforcement. The record would not be complete without this illustration, extreme though it be.

In a certain city where violation of the prohibition law appeared to be open and frequent and where some of the authorities were reputed to be in sympathy with the lawless element, prohibition agents set out one night to apprehend bootleggers bringing supplies of illicit liquor to the city by automobile.

The agents employed two cars. They left the city about three o'clock in the morning and while on their mission one of the cars was held up by a city policeman who charged them with speeding. The agents denied speeding but admitted that they might have violated a city ordinance or minor traffic regulation. They were required to put up a cash bond for their appearance in court and the next morning were brought before a local judge.

The policeman who made the arrest testified that the agents' car was proceeding at a speed of about thirty-five miles an hour. The agents testified that the speed of the car did not exceed twenty miles an hour. The judge accepted the evidence of the policeman and delivered a stinging rebuke from the bench, during which he said he had given the police instructions to bring the agents before him whenever they violated the minor traffic regulations.

The judge imposed a heavy fine upon the agents and the newspapers carried articles under sensational headlines describing the judge's action.

But one development was not printed.

Soon after this judge had fined the agents he visited the local enforcement offices, called the agents in charge out into the hall, and returned the fine he had imposed. In doing so, he asked that nothing be said about the return of the money.

"I'm in politics," he explained, "and I can't afford to let you fellows off when you come before me."

CHAPTER XVII

THE RESPECTABLE (?) CITIZEN VIOLATOR

SHORT is the chain that connects the illicit liquor industry with our social and commercial life, and few are its links. I count but three.

The first of the links is the man who makes the forbidden beverage. The second is the man who distributes it. The third is the man who buys it.

All are guilty. Indeed, if there be such a thing as comparative guilt in the violation of our prohibition laws, I count the buyer as more guilty than either the maker or distributer. One scarce expects the gentleman to enact the rôle of the criminal; one hardly looks for soft white hands in the unholy trinity that conspires to set at naught the charter of all our laws and liberties.

In the past, prohibition enforcement activities have centred about the maker and the distributer of illicit beverage. As for the future, I see a day not far distant when the buyer will receive attention by the courts of the land comparable with that now given his fellows in misdeed, the bootlegger, the rum-runner, and the moonshiner.

One Federal judge is reported as having said to a grand jury about to undertake the consideration of bootlegging cases:

> The man who believes in prohibition because it brings profit to his business but who thinks it is entirely proper for him to repair to the second story of his palace and drink to his heart's content the liquor he has bought at the expense of the law's

violation, is the man who stirs anarchistic sentiment in this country.

It is surprising to me how many high class citizens are doing this very thing, men who are respectable in their communities, who are otherwise above reproach, but who go out and buy liquor that has been sold in violation of the law and think they have a perfect right to do it.

They do not have that right. When they buy liquor somebody else violates the law in order that they may possess it and to that extent they are aiding in this lawlessness, not merely lending their countenance to it, but actually are partners in the crimes being committed. It is not a mark of good citizenship. That conduct is the beginning of anarchy, of class privileges and disrespect for law.

Another judge, from the bench is quoted as saying:

It is evident that there would be no bootleggers were there no customers. The purchaser is as guilty as the seller and with him may be indicted for conspiracy to violate the law, a more serious offence than the violation itself.

There is but little difference in hiring a man to violate the law and in buying the product after the offence has been committed. One who commits a crime by proxy is equally guilty with his agent. Morally, his guilt is greater because, himself lacking the nerve to do the thing, he has induced another to commit the offence for his benefit.

He who buys illicit liquor pays criminals to do his dirty work; the indictment, harsh though it sounds, stands against every bootlegger's patron in the land—or there is no merit in the learned judge's charge.

And the criminals thus paid do other things, in the performance of their illegal work, than violate our prohibition laws. For instance:

In September, 1922, two enforcement agents were shot and killed by a bootlegger. One of these agents was the father of three children. Another was the father of four. The bootlegger who did the killing was the father of seven.

Seven children were thus made fatherless by this hired criminal. Seven more were branded as children of a murderer. Can the "gentlemen" who patronized this bootlegger and by their patronage made possible his continuation in crime feel that their hands are clean?

One of the serious difficulties in connection with prohibition enforcement work to-day is the surprising attitude of many persons in official and private life. These are men admittedly of high standing and great influence in their respective social, professional, or business spheres; men who are not classed as general law-violators, but who sanction and participate in the illegal traffic in intoxicating liquor without seeming shock to their consciences.

It is difficult to understand how prominent clubmen, business and professional men, and men high in the various walks of public and private life, can match their violation of this law with their obedience to other laws. This condition is a source of much concern to the friends of all good government. When men of standing and influence do these things which they know to be in defiance of the law and the Constitution, there is reason, indeed, for grave concern.

By their example to their employees, to their fellows, to their own children, they are bringing all law into disrepute. Consider, for instance, the example set their sons and daughters and the natural result. As one brilliant writer has phrased it, we hear on every hand that while this generation will miss its whiskey, the next generation won't know what whiskey is; but:

"One wonders about that. The college authorities are wondering, too."

The writer then relates the experiences of a distinguished man, speaking at many commencements, who had found a widespread state of alarm over the prevalence of boot-

legging in colleges. This man had been informed that "scores upon scores" of young men were working their way through college by peddling illicit whiskey to their fellows. He had been told, also, that the evil was not confined to the boys and young men alone; that in a celebrated women's college eleven girls had been dropped from the rolls either for drinking or bootlegging.

I do not vouch for the accuracy of this presentation; indeed, I think it is overstated. However, can there be any doubt as to where those young men and women who are drinking to-day find their inspiration? To my mind, there is none. They find it in the homes of the bootlegger's customers, the well-to-do men of high position who talk of "my bootlegger" and boast of their cleverness in evading the law.

Flasks at certain dances are reported to be common in some of our Eastern cities. High school boys and girls, almost all in their 'teens, are reported to be the chief offenders of this class. I also think these reports are greatly overdrawn.

Fortunately, whatever of this situation does exist is localized in a few of our great cities. The youth of the nation overwhelmingly is clean and law-observing. But those comparatively few boys and girls of twenty or under—where did they get their ideas of law defiance?

Where else could they have obtained them but from the example set by their parents or the parents of their associates?

There can be no doubt as to the otherwise high standing of some of these violators. Says one publication:

> At a leading summer resort the president of one of our great and most conservative insurance companies became so dead drunk that he had to be carried bodily out of the room, so we

have been informed by a Baltimore business man of the highest standing.

At a quiet and somewhat semi-religious resort in the mountains of Pennsylvania, where the hotel has a number of cottages, three supposedly prominent business men of a neighboring city with their wives and a young boy about twelve or thirteen, rented a cottage for three days. Their automobiles were loaded with liquors and for three nights until one or two o'clock in the morning they carried on a wild carousal of loud talking, yelling, shrieking, and drinking. Tenants of a near-by cottage found it difficult, and in some cases impossible, to sleep until after this drunken orgy ended at two o'clock, even on Sunday morning.

One reads, also, of the judge of a high court in an Eastern state relieved of his office because of his leanings toward defiance of the prohibition laws.

And, again, there comes to mind the case of fifteen or twenty of the leading business men of a certain city, reported to have been victimized by a clever swindler posing as a high-grade bootlegger. This criminal is reported to have contracted with the business men for the delivery of liquors and received checks to the extent of about two thousand dollars in advance of delivery of his goods. He cashed the checks, and departed.

"He started his activities by visiting a local banker," says one account of the incident, "and introduced himself as a high-class bootlegger serving an exclusive trade. The banker hastened to introduce him to several of his friends and they in turn passed the good news along to others. Among those who hastened to cash their checks were some of the wealthiest men in the city."

In these cases, the violators were of high social or business preferment. In each case, by example, the violator encouraged the violation of all law.

The big business man who got drunk set an example of law violation to any safe-blower who might seek to enter

the premises of his company. The banker who buys bootleg whiskey has no right to complain if the bootlegger dynamites the safe in his bank.

As the country accustoms itself to prohibition, however, it becomes more and more manifest that the number of violators in high position is dwindling. The conscience of even the wettest communities is awakening. Witness the following bulletin issued by a nationally known club in a border city where local sentiment is largely wet and where enforcement problems are many and pressing:

> When the prohibition law went into effect this club sent written notice to every member stating clearly that this club intended to live up to the law and that members would not be allowed to bring liquor into the main dining rooms, the locker rooms, the card rooms, or the check rooms,
>
> The club has never backed down from that position. But that rule has been broken and of late with increasing frequency. Therefore, the House Committee finds it necessary to repeat that any member bringing into or using liquor in any of the rooms mentioned above will be suspended.
>
> At the last meeting of the House Committee, the manager of the club was instructed to report every violation of that rule. The manager, in turn, notified every captain in the various dining rooms that his instant dismissal would result if he failed to report to the manager any infraction of the rule forbidding the use of liquor in the dining rooms.
>
> It is not the wish of the House Committee to deprive members of rights or privileges, but it must be realized by the members that it was the Constitution of the United States that took away that privilege. The club's honor and prestige are at stake in this matter and the House Committee feels that no further notice to this effect will be found necessary.

I repeat a part of one sentence: "*The club's honour and prestige are at stake.*" And to every so-called gentleman who soils his hands by contact with the bootlegger, I commend that sentiment for his earnest consideration.

Most of the Rum Rebels of America live in America. A few of them (and of that few a heavy percentage are known criminals) have left America for the West Indies and other vantage points of smuggling, expatriated by the enticement of quick fortune, every dollar of which is polluted. Concerning those, William Jennings Bryan is quoted as saying:

> Statistics show that British territory on the north and just off the east coast of the United States is being used as a base for the wholesale smuggling of intoxicating liquors in this country. There is no more excuse for the use of adjacent territory for conspiracies against the prohibition law—a law carrying out the Constitution and sustained by the Supreme Court—than for the use of such territory for conspiracies against any other law of the land. Piracy would not be given protection under the British flag. Why should smuggling?
>
> The easiest way to punish such citizens is to withdraw citizenship from them when they leave the country for the purpose of violating their country's laws. If they violate the laws while in the country they can be punished as criminals. Why should they receive the protection of their Government while conspiring against their country's statutes? If they leave for that purpose or while away become law-breakers, their return should be barred as we bar the entrance of any other criminal.

With that sentiment, generally speaking, I have no quarrel. I should like to add, however, that withdrawal of the privileges of citizenship might well be adopted as the punishment of those Americans in high position who are convicted of aiding the bootlegger and the moonshiner in their nefarious work. Such otherwise impeccable citizens plot at home, in much the same fashion as those leaving our shores on their illicit errand plot abroad and their punishment should be identical.

Would it not be a matter of plain and simple justice that we should deny to the conspirator against our laws

the protection of those laws? Should he be permitted to use, in protection of his personal and property rights, the Constitution he flaunts with respect to the gratification of his personal appetites?

Conviction by the courts, on charges of conspiracy, of a dozen outstanding and conspicuous patrons of bootleggers would do more, in my judgment, to end the illegal liquor traffic than the jailing of a hundred retail bootleggers. If one or two big buyers of wealth and influence were sent to jail in each of a few American cities, many of the bootleggers in those cities would soon be under the necessity of abandoning their business.

And that very thing is on the way. The day is not far distant when the same jail that houses the convicted bootlegger will house also his accomplice in crime, the wealthy buyer of his illicit product.

I say wealthy buyer advisedly. The more conspicuous the example, the greater will be the benefit. And while not all buyers of bootleg are wealthy, many of them are, and nearly all such buyers are men and women of higher than average means. One cannot buy ten-dollar bootleg on a five-dollar income.

Every citizen, native or foreign-born, enters into a contract with his Government to obey the Constitution and the laws of the land. Contracts or covenants and the keeping of them are basic to stability in all relationships. If the contract between labour and capital or capital and labour is broken, industrial confusion results. If the contract upon which is founded the home is broken, domestic tranquillity disappears. So it is if the contract of any considerable number of citizens with their Government is broken. In such cases, the very foundations of government would be undermined.

Strong appeal, therefore, should be made to every

citizen to keep his sacred contract with the Government whence he derives all his liberties, privileges, and powers. When such appeals fail, then the citizens who do not abide by the law should be made to feel the full force of the penalty, regardless of their rank or station.

And for what do such citizens fritter away their high standing? I have already told in some detail of the character of bootleg liquor, but wish to emphasize here again its poisonous nature. Says the editor of an Oklahoma newspaper:

> If our local judges would sentence bootleggers and moonshiners to drink some of their own stuff it would do more to put them out of business than any other sentence that could be passed upon them. The news circulated from the sheriff's office that they have found at times quantities of mash in process of fermentation that contained dead rats and other vermin, ought to be a thirst quencher.
>
> But what is a dead rat or two to a booze fighter?

In the mountains of a Southern state the women of a small community recently banded together to rid themselves of the moonshine evil which daily contaminated their husbands. Eight of them, reported to be wives of leading citizens, armed with hatchets, guns, and axes, found and destroyed the still whose product had been pouring into their homes.

Not every woman, or man, can go out and physically destroy a still, nor is such drastic action necessary. Far more quickly will the stills be destroyed and the illicit liquor evil ended for all time if the wives and husbands of America, the young men and the young women, will but shun the illegal product. Passive resistance of this sort would accomplish within a few weeks what active and aggressive enforcement will be years in bringing to pass.

I have never made a specific appeal to the public to report liquor violations, but I wish to leave with the reader this thought:

If you saw a murder in the making, would you notify the authorities? If you saw a firebug at work, would you tell the police? If you saw a thief at his illegal undertaking, would you say anything about it? Indeed, the Supreme Court has said that it is not only your privilege but your duty to do this.

And this further thought:

He is a short-sighted citizen who fails to see in the bootlegger of to-day the spirit of the murderer, the firebug, and the thief. It is time that the citizen upon whom we depend to uphold our laws awakens to the fact that bootlegging is not a mere pastime, but a nefarious and traitorous business.

CHAPTER XVIII

JOINT RESPONSIBILITY, FEDERAL AND STATE

ABRAHAM LINCOLN, at Jonesboro, Ill., during the course of his stirring debates with Douglas, said:

What do you understand by supporting the Constitution of a State or of the United States?

Is it not to give such constitutional helps to the rights established by that Constitution as may be practically needed? Can you, if you swear to support the Constitution, and believe that the Constitution establishes a right, clear your oath without giving it support?

Do you support the Constitution if knowing or believing there is a right established under it which needs specific legislation, you withhold that legislation? Do you not violate and disregard your oath?

I can conceive of nothing plainer in the world. There can be nothing in the words, "support the Constitution" if you run counter to it by refusing support to any right established under the Constitution. . . .

Lastly I would ask is not Congress itself under obligation to give legislative support to any right that is established under the United States Constitution? A member of Congress swears to support the Constitution of the United States, and if he sees a right established by that Constitution which needs specific legislative protection, can he clear his oath without giving that protection?

And again, four weeks later, at Quincy, Ill., during the same series of debates, he continued:

If you withhold that necessary legislation for the support of the Constitution and Constitutional rights, do you not commit perjury? I ask every sensible man if that is not so. That is undoubtedly just so, say what you please.

What Lincoln said sixty-five years ago seemed so true as to be axiomatic. During all the years no responsible man in official position arose to question the soundness of his doctrine until the early summer of 1923 when a great state repealed the State prohibition enforcement law. Even Jefferson Davis, leading exponent of secession and later President of the Southern Confederacy, found no quarrel with Lincoln's great pronouncement.

"I hope," said Mr. Davis in his farewell address to the United States Senate, "that none who hear me will confound this expression of mine with the advocacy of the right of a state to remain in the Union and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are, indeed, antagonistic principles."

Thus we find the leaders of both unionism and secession in the great struggle over State rights united in the firm conviction that so long as a state remained in the Union it was the duty of the state to uphold the Constitution by the passage of appropriate legislation.

Applying this doctrine to the Eighteenth Amendment and to the situation created in New York by repeal of the state enforcement law, we find President Harding asserting in his address at Denver, June 25, 1923:

> It is a curious illustration of loose thinking that some people have proposed, as a means to protecting the fullest rights of the states, that the states should abandon their part in enforcing the prohibitory policy. That means simply an invitation to the Federal Government to exercise powers which should be exercised by the states. Instead of being an assertion of state rights,

it is an abandonment of them; it is a confession by the state that it doesn't choose to govern itself, but prefers to turn the task, or a considerable portion of it, over to the federal authority. There could be no more complete negation of state rights.

The National Government has been uniformly considerate of the sensibilities of the states about their rights and authorities. But when a state deliberately refuses to exercise the powers which the Constitution expressly confers on it, it obviously commits itself to a policy of nullifying state authority, the end of which we are reluctant to conjecture.

Specific authority to enforce the Eighteenth Amendment to the Constitution was conferred, by the provisions of the amendment, upon both the Congress of the United States and the states themselves. It may surprise some persons to learn that the Eighteenth Amendment was the first amendment ever ratified in which the exercise of concurrent power by both state and national government was expressly provided for. The wording of the Amendment was not accidental in this respect, but resulted from the careful deliberations of both Houses of Congress.

In explaining this situation, Representative Webb of North Carolina, an advocate of the Amendment and a member of the Judiciary Committee, stated on the floor of the House December 17, 1917, during the course of debate on the measure:

Nobody desires that the federal Congress shall take away from the various states the right to enforce the prohibition laws of those states. If we do not adopt this amendment from the committee there might be a fight in Congress every two years as to whether the states should be given the right to help enforce this proposed Article of the Constitution. . . .

We thought it wise to give both the Congress and the several states concurrent power to enforce this Article and let that power be set forth and granted in the Article we propose to submit. Hence the amendment we adopted was adopted by the committee and we hope the House will agree with us.

In the Senate, Mr. Overman of North Carolina, of the Judiciary Committee, in a report accompanying the resolution providing for the Amendment, said:

> National law, enacted under an amended Constitution, could prohibit importation, could prohibit transportation and sale, and in concurrence with like legislation by the states, thus securing the entire strength of the whole community, could soon put an end to the traffic. Under such restrictions in a generation or two the consumption of alcohol as a beverage would practically disappear.

Such were the utterances of spokesmen of the judiciary committees of both Houses of Congress at the time of consideration of the proposed amendment. They indicate clearly the purport of the express provision for concurrent power. In the next Congress, and after the amendment had been ratified, Representative Volstead, chairman of the House Judiciary Committee, made the following explanatory statement relative to the definition of concurrent power as referred to in the Amendment:

> The resolution proposing this amendment originated in the Senate; when it reached the House it was referred to the Judiciary Committee, of which I was then a member. It was there discussed among the members, especially among those who favoured its adoption.
>
> It was pointed out, among other things, that if the amendment should be adopted in the form in which it has passed the Senate its effect might be to repeal or enable Congress to suspend every prohibition statute in the country, and that it ought to be made the duty of the state, as well as the National Government, to enforce it as the states have courts and police forces equipped to do that work.
>
> Attention was also called to the fact that states and the Federal Government exercised the power to punish the same act each in its own courts and under its own laws. As this power has usually been spoken of by courts and law-writers as con-

current jurisdiction, and as it was to confer the like power on Congress and the several states, the phrase "concurrent power" was adopted as expressing that idea. I do not know who wrote the provision but I know that was the idea sought to be written into the amendment.

Mr. Volstead's clarifying statement at once brings to mind the claim, loudly raised in some quarters, that here was a situation which placed an offender in "double jeopardy"; in other words, that a defendant could be tried and punished twice for the same offence, once by the State and again by the Federal Government.

This contention has been used by those opposed to prohibition until it has become threadbare. Why the prohibition laws were singled out for such contention seems somewhat difficult to understand in the light of much similar legislation that preceded the passage of those laws. There have been so-called "double jeopardy" laws on State and Federal statute books for many years, but it remained for the opponents of prohibition, "suffering" in silence for generations under the operation of a host of other "double jeopardy" laws, to raise the point of injustice.

To those who are fearful of "double jeopardy" in the case of prohibition, I wish to point out the same identical peril with respect to the following high crimes:

Anarchy, assault, offences against the banking law, bribery, adulterating or misbranding food, denial of civil rights, sending threatening letters, conspiracy, fraudulent stock promotion, forgery of bills of lading, extortion and blackmail, mailing of obscene matter, cruelty to animals, offences against chastity, kidnapping, forgery of public records required by the laws of the United States, larceny, libel, lotteries, malicious mischief, unlawfully wearing uniforms or insignia of the United States, conversion of

military property, perjury, subornation of perjury, embezzlement, and robbery.

Where were the men who now see "double jeopardy" as a menace during the days when these laws were being considered?

But to revert to the main theme, the Supreme Court of the United States, defining the meaning of the term, "concurrent power," declared, in its decision in the National Prohibition Cases:

> The declaration in the Prohibition Amendment to the federal Constitution, "the concurrent power to enforce this article by appropriate legislation," does not enable Congress or the several states to defeat or thwart prohibiton, but only to enforce it by appropriate legislation.

Mr. Chief Justice White, in his concurring opinion, said:

> I take it that if the second section of the Article did not exist no one would gainsay that the first section, in and of itself, granted the power and imposed the duty upon Congress to legislate to the end that by definition and sanction the amendment would become fully operative.
>
> This being true, it would follow, if the contentions under consideration were sustained, that the second section gave the states the power to nullify the first section, since a refusal of a state to define and sanction would again result in no amendment to be enforced in such refusing state. . . .
>
> If the prohibition did not define the intoxicating beverages which it prohibited, in the absence of anything to the contrary, it clearly, from the very fact of its adoption, cast upon Congress the duty not only of defining the prohibited beverages, but also of enacting such regulations and sanctions as were essential to make them operative when defined.

If such obligation would have rested upon Congress, wherein would it fail to lie also upon the states specially named in the Article?

The answer, of course, is that such obligation does lie upon the states; and all, save three, regard it. Those three have no State enforcement law. In each of the other forty-five states, including the two that refused to ratify the Amendment, State enforcement laws—concurrent legislation—have been enacted.

The highest courts of many states have ruled upon questions presented by their enforcement laws. In Rhode Island, the Supreme Court has held, that "a state law to enforce prohibition may be more drastic than the Volstead Act." The Supreme Judicial Court of Massachusetts—in which commonwealth there is no State enforcement law—has handed down the interesting decision (in Jones *v.* Cutting, 130 N. E. 271) that:

> No law of the Commonwealth of Massachusetts can authorize the sale of so-called non-intoxicating beverages prohibited by the laws of the United States enacted pursuant to the Constitution of the United States, Amendment 18, the Prohibition Amendment.

Prohibition of a traffic in any commodity cannot be accomplished by a mere declaration, even when that declaration is a part of the Constitution of the United States. Affirmative action is necessary to make such declaration effective. The Eighteenth Amendment is a police measure, designed to protect the public health, peace, and morals, and as such it imposes a duty upon Congress and also upon the states, by virtue of the second section of the Article, to enact appropriate legislation to make it effective.

A considerable number of persons who have either not considered the subject carefully or have failed to inform themselves properly, believe, honestly and mistakenly, that the entire burden of prohibition enforcement falls

upon the Federal Government. Nothing, of course, could be further from the truth. As President Harding so aptly put it:

> The Federal Government is not equipped with the instrumentalities to make enforcement locally effective. It does not maintain either a police or a judicial establishment adequate to or designed for such a task.
>
> If the burden of enforcement shall continue to be increasingly thrown upon the Federal Government, it will be necessary at large expense to create a federal police authority which in time will inevitably come to be regarded as an intrusion upon and interference with the right of local authority to manage local concerns. The possibilities of disaster in such a situation hardly need to be suggested. Yet it is something that we must recognize as among the menaces in this situation.
>
> The Federal Government ought to perform, in connection with the enforcement of this policy, those functions which are obviously within its proper province. These are: compliance in all its aspects as it relates to international commerce, the exportation and importation of liquors, the collection of federal revenue, the prevention of smuggling, and, in general, the enforcement of the law within the proper realm of federal authority.
>
> But the business of local enforcement, by states and cities, ought to be in the hands of the state and local authorities, and it should be exercised in all sincerity and good faith, as other laws are presumed to be executed.

And everywhere, with the exception of a few districts, comparatively small in area, concurrent enforcement is progressing as if with seven-league boots. High authorities of city after city, county after county, town after town, have shown their keen and sympathetic appreciation of this obligation. There has come to me from every quarter of America such heartening cheer in this respect that I am of the firm conviction that we, indeed, are making great and rapid progress in the forward way wherein we tread.

Not only do these assurances come from the great inland states where prohibition sentiment has leaped with giant measure into overwhelming public esteem, but they come also from some of the great cities superficially classed as hotbeds of prohibition's enemies. The chief of police of one of these great communities said to me, in substance, not long ago:

"Every policeman on the force in this city has been instructed to uphold the prohibition laws just as he is to uphold all other laws. Prohibition is not altogether popular here, but the law has been passed and it is the law of the land. You can count upon us to do our part."

The Police Commissioner of New York City on July 11, 1923, a short time after the repeal of the State enforcement law, issued an order in which he said:

This is not a wet or dry issue so far as the welfare of the people of this city is concerned, nor is it, in its broader sense, a question of the fullest exercise of state sovereignty as against invasion of state rights by the Federal Government. In its larger sense, and last analysis, it is a question of law enforcement, public safety and morality as against lawlessness, crime, vice, and immorality of every description.

To permit saloons, disorderly resorts, dives, brothels, and bawdy houses of every description, which have always been the rendezvous of the criminal and vicious element of this city, to be reëstablished would bring worse conditions than ever before because these places would be no longer licensed nor regulated under our state laws and their presence would mean the establishment of dangerous, vicious, and immoral conditions which the public and the police cannot and will not tolerate.

The Police Department and every member thereof is therefore directed to employ every legal weapon provided by the federal or state government for the safety or welfare of the people of this city, and each of them is hereby directed to perform his full duty, honestly and fearlessly, without fear or favour, to the end that the gamblers, bootleggers, and moral perverts who

thrive on lawlessness, as well as their friends and supporters in high places, may be driven into honest employment or dealt with according to law.

That, coming from the Police Commissioner of the largest city in the United States, speaks volumes for the benefits of prohibition and the need for making certain those benefits through the enforcement of state and local laws in addition to the national statutes which apply generally to all communities.

CHAPTER XIX

THE INVINCIBLE ALLIES

"THAT which rules within," wrote Marcus Aurelius eighteen centuries ago, "easily adapts itself to that which is presented to it, as fire lays hold of matter which is heaped on it, and consumes it, and rises higher."

The ancient philosopher may have been pouring his heart out in solitude over degenerating tendencies which were even then revealing themselves in the Roman citizenship. Or he may have been contemplating the steady growth of a new religion, Christianity, which the leaders of his world were striving vainly to stamp out. Whatever it was that gave substance to his meditations, he might have been writing, had he been living in our day, of the rising tide of sentiment against the age-old curse of beverage alcohol.

For to-day we see the fire at work, glowing brighter, burning stronger with each new pile of sodden propaganda that is heaped upon it in futile effort to smother it: "States Rights," "Personal Liberty," "Bigoted Lawmaking." All in the end becomes fuel. A moment's smouldering, perhaps, there may be, as the illicit liquor forces drag up their appeals to passion, greed, and appetite, and then the pure flame breaks through. It has happened again, and again, and again.

Yes; the greatest of all the great allies of prohibition is *sentiment;* the gradual, logical, irresistible growth of public opinion, ripening slowly, soundly, inevitably into public conviction.

The day was when wise men of their generation wagged their heads in compassion over the suggestion that the saloon could be grubbed out of American soil. It was too deep-rooted, they said. Politics, money, appetite, were behind it. The drinking-house had been an institution, in all countries, always.

The saloon went.

An amendment to the nation's charter! Again the wise heads wagged. Abolish alcoholic beverage by amending the Constitution? They laughed. Many laughed with them. And the liquor interests of this and other lands laughed loudest of all.

The fire ate on and into and up through the agglomeration of lies, misrepresentation, false issues, appeals to passion and all the other evil propaganda brought to bear against it—and presently burst into flame.

The Eighteenth Amendment was written into the fundamental law of a courageous nation. The liquor interests were stunned. The impossible had come to pass.

"It can never be enforced." That was the cry then. And they believed it. Some still believe it.

But they are wrong. And thinking citizens of the country, especially those who, in looking forward, are wont to take a moment now and then to contemplate the road we have traversed in a half-century, know they are wrong.

For back of the Eighteenth Amendment to-day there are great forces that were not there twenty, ten, five, one year ago—yes, six months ago. And the greatest of these is a public consciousness, crystallizing, and in action.

The lines are being drawn at last, social, political, religious, economic. Some see them clearly, others hazily. To the great mass of loyal Americans they are becoming more definite in their outlines with each passing day. No short-sighted human eyes can read the whole future; can

grasp the full significance to us, to the world, of the struggle we are passing through. That is impossible. But it is not impossible to try. And the promise of the future is that America is trying. Public consciousness is awake. This much we see now: The issue is no longer purely a moral one. The issue is not the adoption of national prohibition. That is a fixed policy of American government. The issue is one of individual observance of the law of the land. And in the strategy of the opposing forces the lines are being drawn there.

A great American scholar recently said: "We see the world like one of Rodin's statues, only half emerged from the marble. Good is entangled with the bad, Truth enmeshed with error, Joy bound with up pain."

That is only a new expression of the old truth that there is scarcely an outlook upon life that does not confront the intellect of man with ponderings and perplexities. Most men understand as little the events transpiring about them as did Macbeth the language of the witches or their fantastic orgies. The problem of unveiling life and of disentangling the good from the evil has led many to the shrine of Science and Philosophy.

Job stood before life. He tried to find its secret hidden behind the events of his little hour, and the emotions that were stirred within him and the questions that arose in his mind make him kin-fellow to all thoughtful men who have lived since his day.

"Few men," said Edmund Burke, "really see what is passing before them day by day, penetrate to the soul of things, interpret the age in which they live and catch the significance of passing events."

The first time I read the story of Ben Hur my imagination was borne with breathless and reverent haste through

those tragic events in which our religion and our civilization were born. There was a moment when two figures stood out in bold relief and striking contrast—Ben Hur and the fair Egyptian. The thoughtful Jew dimly saw the halo about the Cross; the beautiful girl saw nothing deeper than the commonplace fact that a Jew in mock majesty struggled under a cross, and that night closed down over three crosses on the summit of Calvary's hill.

To us the girl seems to have been strangely blind that she could not see the meaning of the great drama that was to change all the tides of human history. Yet, in that day there were but few like Ben Hur who sensed the meaning of that hour. The multitude had eyes to see, but they saw not; and the historian, Lecky, looking back upon that and subsequent ages, remarked:

> The greatest religious change in the history of the world took place under the very eyes of a brilliant galaxy of philosophers and historians, who treated as contemptible facts worthy of meditation during the space of three centuries.

Long centuries have passed since the young man saw the armies of Syria, but failed to see the charioteers of fire. His partial vision is inherent in humankind in our day as in his. Most men must have the perspective lent by distance in order to understand a great picture; and there are few men who do not require the perspective of time in order to interpret an hour or an age. The Golden Age lies to mortals either in the past or in the future; the present is the commonplace. Our attention is too apt to be fixed on the charioteers of iron and steel with the result that we fail to discern the charioteers of fire that form a part of our age.

So in every age, great men, great events, great move-

ments come and go; and those who touch them closely scarcely sense their greatness.

Many of us crossed the threshold of the new century. But how few of us really caught its greatness! Our attention was largely absorbed in the humdrum duties of the everyday life and all the while epoch-making events were occurring all about us. Lord Alfred Russell tells us that there were thirteen great discoveries during the Nineteenth Century and only seven during all the centuries before. We raise our eyes at that, and ponder, marvelling, now. But we found little to marvel at when those discoveries that fell within our lives were given to the world.

What is true of the past is true of to-day. We live in an hour tremulous with the shock of conflict. To many it seems that America's destiny is to be shaped by the outcome of the conflict to wipe out the curse of drink. Yet there are some of us who do not sense the greatness of the struggle and gauge the future only by records of the past. They are encouraged by those who would break down the laws we have set up. The need of the hour is Americans who will see straight, and far, and true. And their number is increasing.

I recall a book in which the author described his feelings while in the Dresden Gallery, standing before the Sistine Madonna. Him the picture thrilled and inspired; but his dog beside him went to sleep. The Sistine Madonna was not in the dog's world. The message of the picture came not by eyesight, but by insight.

A Bushman may not interpret the works of Angelo, the score of Verdi, or the manuscript of Phillips. Back of the eye there must be kinship with the soul of the masters, something of their passion, something of their purpose, something of their mental and moral exaltation.

Only the man who has glimpsed clearly the liquor traffic

that was, legalized and protected, can grasp the outlines of the day, when all chance for continued debauchery in politics, in the home, in the life of a great people, is utterly destroyed. He thrills as the ground is won, inch by inch; as the great drama unfolds, as the surge of battle rolls to victory.

There is the citizen who visualizes but one side of the conflict. Like the young man of Biblical times he sees only the forces arrayed against prohibition enforcement; and seeing only them he becomes a pessimist. And he is a dangerous citizen, for pessimism eats at the heart of honest effort. He is the man who, seeing nothing but enemies, says that the law can't be enforced; that there is no need of trying to make the Eighteenth Amendment effective; that prohibition is a failure.

At the other extreme, and dangerous, too, is the citizen who sees only the chariots of fire. To him, the fight is already won. "They that are for us," he cries, "are more than they that are against us." And he does nothing. He is an optimist blind in one eye. His optimism palsies the nerves of action.

If the days that are to come in this great struggle may be forecast somewhat by events of the past we are to witness first a still further narrowing of the issue and a broader and more concrete understanding of it; second, a sharper drawing of the lines that will drive clever and insidious enemies and mockers of the law out into the open where they can be seen and appraised; and third, a consequent quickening of public consciousness, indignation where apathy or pessimism now exists, and a consolidation of law-abiding and law-respecting citizenship that will be irresistible.

Already the movement in this direction is unmistakable. It received its greatest momentum from the day when the

average American citizen, loyal, but engrossed in the business of his everyday life, perceived the true issue: *individual observance of the law of the land.*

That brought him on to familiar ground, ground that was firm and sure under his feet. It was the ground upon which the republic had been built and sustained; ground upon which his citizenship and his pride of it rested. He knew all this; more than knew it—it was a part of him. It was that which had been woven into the fabric of his being since earliest childhood. Throughout the nation's history its leaders had iterated and reiterated this fundamental proposition as the bulwark of the Republic.

Perhaps this newly awakened citizen recalled the words of Lincoln:

> Let every one remember that he who violates the laws of the land tramples on the blood of the fathers and tears asunder the charter of his own and his children's liberty.

Perhaps he had read and applauded Harrison's declaration that "the idea that a mayor or chief of police is at liberty to permit any law or ordinance to be violated is monstrous."

Or, perhaps, William McKinley's assertion:

> It should not be forgotten that liberty does not mean lawlessness. Liberty to make our own laws does not give us license to break them.

Or President Roosevelt's words:

> When the liquor men are allowed to do as they wish they are sure to debauch not only the body social but the body politic as well.

These words are pregnant of meaning, and the peril that President Harding discerned became real:

The Eighteenth Amendment is the will of America and must be sustained by the Government and public opinion, else contempt for the law will undermine our very foundation.

Back of the little army of men who have been charged with the enforcement of the prohibition laws there are forming quietly, steadily supporting hosts of sane, loyal, and determined citizens who are mobilizing in answer to the clear call of conscience.

The ranks of this supporting army are swelling daily. Its divisions are forming in every group, and every interest that has become a living part of American civilization. The benefits that have already come to us through the operation of the law have added strength and substance to the sentiment for law-observance.

In the practical field of American business are to be found some of prohibition's staunchest allies. There conviction has developed along practical, solid lines.

A short time ago Mr. Alexander P. Moore, recently appointed Ambassador to Spain, a man of large affairs, returned from an important mission to Europe where he had made a thorough investigation of social and economic conditions. He startled me by saying that conditions were so bad in a certain European country, that drunkenness was so rampant and all the attending evils so flagrant, that it was his opinion that unless something was done similar to the enactment of our prohibition law, the civilization of that great country was in grave danger of crumbling.

To me that statement carried particular weight because it fitted in thoroughly with the statement of one of the leading scientific men of America, holding high executive position with one of our great corporations, who had but shortly before returned from a business trip where he had

studied conditions in his commercial field. He said that the drunkenness and consequent comparative lack of efficiency in these large competing concerns of Europe led him to the conclusion that they cannot compete with his concern or survive in the business struggle between America and Europe which the next decade will witness, unless the countries of Europe enact some law or establish some governmental agencies that will check the intemperance of their employees.

The *Manufacturers' Record*, published in Baltimore, recently made public a symposium of opinions expressed by the leading business men of the country in response to a questionnaire addressed to them. No man can read this most thought-provoking report and escape the conviction that business men themselves have formed the conviction that prohibition is an economic force lying at the very heart of America's survival in the commercial world. The preponderating opinion of great business men is clearly that prohibition has already been most effective in its operation among the workers of the nation and because of this it has greatly increased efficiency and set America observably ahead both financially and morally. It has increased the purchasing power of the worker, and has made for a more contented working class, a more thrifty working class, and a better working class.

One of the largest employers of labour wrote:

> Before the prohibition amendment went into effect we had an average of ten per cent. of our men remaining out after pay day, but since the amendment was passed not over three per cent. of our men are absent.

Another:

> I am not only in the banking business, where I can observe the financial effects of prohibition, but I am in the manufacturing

business where we employ large numbers of men. We used to be constantly annoyed, and our business interfered with after pay day, by drunkenness and absenteeism. Under prohibition we have none of either.

The men are always on duty and ready for work. They hold their heads up, nearly all of them save money, they take a pride in their families and they get larger enjoyment out of life. The open saloon and the liquor traffic were the greatest curse to American morals, American citizenship, thrift, comfort and happiness that ever existed in this land. They are now banished; let us never think of letting them return.

And so these letters ran. Emphasis, very naturally, was laid on the benefits that can be observed in the improved condition of the working class. But this is not the whole story. For myself, I find it difficult to discover where one class ends and another begins. I like to think that all Americans are in a great working class and that back of American achievement lies the fact that we are all engaged in useful service and none is ashamed of work.

It is my belief also that those who style themselves America's "upper class" have been more helped by prohibition than they, and others, realize.

When intoxicating liquor was driven from the club and outlawed from good society, it removed temptation from the way of many business and professional men and other good citizens who drank from consideration of good fellowship rather than from demands of appetite or fixed habit. Without question we have a greater number of sober, clear-minded, and consequently more efficient, men of big affairs to-day than we ever had in the old wet days.

To-day a sober citizenship stands out amidst the great resources of America, as an economic challenge to the world. And others besides ourselves know it and are uneasy.

There can be no doubt about it now. The banker, the

manufacturer, the merchant—the solid business element of the country—are to be counted among the most powerful allies of prohibition. The business man has reached his stand in his own sane, practical way, and back of his loyalty to country is the knowledge that law-observance means greater health and prosperity for the nation.

But how about the workingman himself? It is against him, perhaps, more than any other one group of our citizenship that the "personal liberty" and other passion-arousing propaganda has been directed. How successful has it been?

W. G. Lee, who is the president of the Brotherhood of Locomotive Trainmen, has given the answer of one great group of workers, simply and directly:

> I can very emphatically say that so long as this Act is on the statute books of the country the Brotherhood of Railroad Trainmen is in favour of its enforcement as of all the laws of the country.

Warren S. Stone, Grand Chief of the Brotherhood of Locomotive Engineers, said:

> The international convention of the Brotherhood of Locomotive Engineers, assembled in Cleveland in 1918, declared by unanimous vote in favour of world-wide Prohibition. The vote was cast by 828 delegates representing 90,000 locomotive engineers in the United States and Canada. . . . Section 52 of the by-laws of the Brotherhood declares that "The use of intoxicating liquor as a beverage by members" . . . is prohibited.

Richard T. Jones, District Director of the United States Employment Service of the Department of Labour in Kansas City, has said:

> In scores of cities labour temples have been built since the Eighteenth Amendment went into effect. Labour banks in

Washington, D. C., New York, Cleveland, St. Louis, Chicago, Minneapolis and other cities have all been organized since 1920. Union secretaries report that dues are paid more promptly than formerly. Friends of prohibition in labour circles also emphasize the fact that the liquor interests invariably oppose woman suffrage and direct legislation, two of the leading legislative demands of the American labour movement.

The effort of certain interests to use American labour as a tool with which to accomplish their own selfish purposes in the end will fail utterly. There is abundant evidence, sufficient to satisfy the most exacting mind, that on this great issue of law-observance, at least, the nation will see employer and employee standing shoulder to shoulder.

The foreign element in our population in and outside the ranks of labour, and especially in the large cities, perhaps will be a problem always. Through all our history we have shown the world that foreign standards of life, types of citizenship, ideals and customs are not sufficient for us. Continued violation of and contempt for our prohibition laws have brought many loyal Americans to this definite conviction: If any of our pampered sons of wealth or un-American sons of Europe revolt against the very forces from which has sprung our greatness, then let them leave our shores. America is working out her destiny in her own American way. There is no place for the foreigner, or the native-born, who deliberately sets himself against or apart from American tradition, American institutions.

So the forces gather, rapidly here, slowly there, but steadily, day after day, night after night. From the counting houses, they come; from the high places of business and finance; from factory, mill and camp; from the school, the church, the club, the lodge; from that greatest

of all American institutions, the home. For the woman voter owes no allegiance to the saloon that was, nor the ward politician that is. She has seen the home, the very race itself, imperilled by the liquor evil. Even before she had the ballot she fought desperately against the enemy of all her far-flown ideals.

Now, independent politically, without bitter partisan ties, idealistic and yet intensely practical, she has brought to our swelling hosts an army whose courage, valour, and fervour are as high as the twinkling stars. No politician or party can afford to affront her. No sectional lines can limit her activity. Intimately related to the great charitable and philanthropic movements of the nation, in the closest touch with youth and its problems, vitally concerned with conditions that will surround a generation unborn, she cannot be deceived. She *knows*.

There is a centre to it all, to this mobilizing of the forces of right, of sanity, of civic cleanliness. President Harding as leader of the nation, with all the power for good that was his by virtue of the high place for which he was chosen, stood before the world fearlessly, uncompromisingly, on the one great issue. And in the closing days of his life he gave voice to it so that all might hear and none might fail to understand:

> It is the partial indulgence which challenges the majesty of the law, but the greater crime is the impairment of the moral fibre of the Republic. . . . I do not see how any citizen who cherishes the protection of the law in organized society may feel himself secure when he himself is the example of contempt for law. Ours must be a law-abiding Republic, and reverence and obedience must spring from the influential and the leaders among us as well as obedience from the humbler citizen, else the temple will collapse.
>
> Whatever satisfaction there may be in indulgence, whatever objection there is to the so-called invasion of personal liberty,

neither counts when the supremacy of law and the stability of our institutions are menaced.

With all good intention the majority sentiment of the United States has sought by law to remove strong drink as a curse upon the American citizen, but ours is the larger problem now, to remove lawless drinking as a menace to the Republic itself.

And there, in clear-cut words and kindly that came but yesterday from noble lips now sealed forever, we are given the vision of where the nation's leader stood in life and where the tide of battle rolls.

CHAPTER XX

RESULTS OF THE GREAT ADVENTURE

JOHN SHIPLEY, of New Bedford, on a whaling cruise in the Pacific, back in 1836, wrote this in his diary concerning those who were dreaming of a railroad across the continent of America.

At 6 P.M., being seated at supper, the Master observed, "Mr. Ayers, I have been reading the newspapers and am of the opinion that a railroad from one end of the United States to the other will be built by the time we arrive home."

Now God forbid that our voyage should be protracted to this distant period, for when that great event shall be accomplished, heaven and earth and sea and skies may be no more. The Lord preserve us all in our senses to the last.

In 1869 the spike was driven that wedded east and west. To-day a land that only a generation ago seemed like another world, shrouded almost, in mystery, has become a part of the everyday life of the nation.

No doubt the statesmen of the world smiled indulgently at the picture of a handful of colonials setting themselves against the might of the British Empire.

Darius Greene was the butt of the jokesmiths. The world laughed at Langley and the Wright brothers.

Some years ago it was my good fortune to visit the Canal Zone, and the first time I looked out over the famous Culebra Cut, I saw the Panama Canal as a great highway of commerce. But out there before me lay the machinery and the enginery of De Lesseps in the dust and discard of

years. The dusty, broken discarded mechanism of French engineering seemed to cry "Impossible!" Afterward there came the daring of a Roosevelt. Before the American will the obstacles faded, the fears fled. The impossible became the achievement of the century.

And so it has been with the traffic in alcohol. Men said that what had always been could never be removed. And they believed it.

The fight for prohibition has been, perhaps, America's greatest, the world's highest adventure with the apparently Impossible. It typifies, it seems to me, more clearly than any other national achievement, the spirit that has set America apart as a nation whose consciousness was but quickened by the war peril.

The editor of an American periodical, writing from Paris on the eve of the Peace Conference, said:

> The little old leaders of the world are daring to tackle the new era, consciously. They are attempting the impossible. So they will accomplish the impossible, just as will you and I. There is a bigger, better reason than compulsion that makes it seem sure that they, and we, will be able to take the measure of and deal with, somehow, the future that is here. There are signs here in Paris, which any one can see, that conscious daring is to be *the* feature of the new era. That is the very spirit of the day. . . .
>
> We are going to try, knowingly, the impossible. One of the greatest-minded, most matter-of-fact of the great American jurists, a statesman high in the councils of the new world leadership, said this very thing to me. It was at the end of a long evening spent on the war, peace, reconstruction. When it came to the future, he was asked this question:
>
> "What will its chief characteristics be?"
>
> "Adventure," he said like a shot, as though he had long ago thought his answer. "Romance and Adventure. Not the old sort; not the ruthless, half-conscious gambling, each man for himself, but adventure where the risk will be real, open-eyed,

deliberate—high adventure, with bold plunges into the mysteries of science, daring grappling with the unsolved problems of thought, art, and social living.

"We shall dare to marry the spiritual with the material. The man of our future will not say that these evils have always existed, therefore they will always exist. He will seek to determine, rather, what is the greatest evil and will set himself to defeat that evil first. And he—and we—shall succeed. We shall make conquest of the impossible—because we have learned to dare."

The words were prophetic. When prohibition was written into the charter of the nation, the Eighteenth Amendment marked the real beginning of the Great Adventure. The sentiment against intoxicants, as was shown in our opening chapters, had been a growth, stretching back for years. It had manifested itself in groups, communities, states. But in the great centres of population, especially, the organization of the liquor interests was so complete, their hold on governmental agencies so strong; their entrenchment through the hotel, the restaurant, and the resort so deep and so perfect; their contributions to city, state, and national revenue and their position in the country's financial activity so important; their hold on the appetites of pleasure-loving Americans of low and high degree so strong and of such long standing, that their complete dethronement by a single law seemed to them, and possibly to some of those who had laboured against them through long years, to be one of the impossibilities.

It is true. The conscious daring of the American people wrote the Eighteenth Amendment into the Constitution.

To stay?

Without question. And not only to stay; but to stay as a live, vitalizing force in American life. For already the benefits, real, tangible, tremendous, are being visualized in their outlines not only in America but throughout

the world. As the months and the years roll on, the character and the magnitude of these benefits will become steadily more clearly delineated and in proportionate degree the task of the obstructionist, the law-breaker, and the law-evader will be the more difficult. Confusion of real issues, through the false preaching of the self-seeker, will disappear as the facts become more and more self-evident.

To any one who will give a moment's thought to the illuminating facts and figures as we know them even now, the distance this country has already come is astounding.

It is my purpose here to outline the results that have been obtained in prohibition enforcement, to examine the changes that have been wrought in our economic and social life and to analyze, so far as is possible, what part the enactment and enforcement of the Eighteenth Amendment have played in bringing these changes; changes which have come so gradually and so naturally that they have been but half appreciated even by those who have been most directly affected.

Not long ago an observer came to America from Europe to see for himself the effects of prohibition. He had been informed through anti-prohibition propaganda published extensively in European journals that prohibition in the United States was a joke.

He went out one evening with pad and pencil and stood on a busy corner in New York City so that he might count the drunken men who passed. Though he waited for hours, none passed. Thinking that he might have selected an unfavourable location, he went the following night to another corner, far distant from the first. Again he failed to see one drunken man in all the crowds.

Then he went to Philadelphia. There, as in New York, he failed to see even one drunken man on the streets. He

was astounded. Before he returned home he came to my office to tell me that we in America to whom the change had come so gradually as to be almost imperceptible apparently had only the faintest idea of the evolution that had been wrought. His observations were similar to those of other foreign observers from Australia and elsewhere.

Here in the United States we are so close to our problem that we may fail to get the right perspective as we view it. A noble mountain, viewed from its base, is but a towering mass of earth and rock. To see its true outlines in all their grandeur we must withdraw from close proximity and view it from afar.

It has sometimes seemed to me that some of our most enthusiastic proponents of prohibition enforcement have erred in attributing solely to prohibition, phenomena in our social and economic life in which other influences played some part, at least; and it is my purpose, so far as I can, to avoid this error here. For the benefits that have accrued directly from our reduced consumption of alcohol are in themselves sufficient to satisfy any reasonable mind unswayed by selfish desire or interest that this greatest adventure of ours is carrying us into a new era of national happiness, national health, and national aspiration, achievement, and prosperity.

To look first, then, upon the results obtained in the enforcement of the prohibition law; then upon the effects, first on the social side and from there to the economic side —the return to us in dollars, cents, and lives:

The saloon is gone. It is gone so completely and absolutely that practically all of the liquor interests loudly disavow any intention ever to open its doors. About 175,000 public drinking places which daily fed an active poison to the youth of the land, offered hourly temptation

to the weak, gave false courage to the criminal and the degenerate and impoverished the home of the worker of meagre or moderate income have been outlawed; their swinging doors and close-drawn blinds torn away to make room for sound business enterprise.

The liquor store is gone. So also is the wholesale store, as well as the liquor department of the big retail store. And with them have gone the sale of the single bottle, the case, and the barrel that went to the man who could afford it.

The liquor that is being sold in the United States to-day, other than that which is taken on medical prescription, is reaching the drinker through channels that are illegal. In quantity the liquor that is passing through these channels has been vastly reduced, and much has already been said as to the quality. Yet the flow is still in considerable quantity, though steadily diminishing through the constant pressure of an enforcement policy to cut off the supply at the source. There is something to be said, of course, for the strong-arm method of enforcement; but it is the view of those charged with carrying out the provisions of the prohibition law that if the supply can be turned off at the spigot, the nozzle will take care of itself. And that view has been justified many times over.

The so-called "leakage" of bonded liquor from legitimate to illegitimate channels, which assumed large proportions during the early days of prohibition, has virtually stopped. Liquor withdrawals for medicinal use have been supervised with increasing vigilance. The amount diverted for beverage purposes is infinitesimal compared with what it was in the early days of enforcement.

In 1920, for example, whiskey withdrawals from bonded warehouses aggregated 12,389,529 gallons. The following year, during which the present administration, with new

theories of organization, closer supervision, new regulations, and additional safeguards had charge for six months, the withdrawals had been reduced to 3,243,845 gallons and during 1922 only 1,819,888 gallons were withdrawn for medicinal purposes.

Partially responsible for these results, referred to in detail elsewhere, was the new form of permit, practically impossible to counterfeit, coupled with an especially designed perforating machine by which quantities to be withdrawn are perforated into the body of the permit. A prescription blank for use by physicians, on stock identical with that used for withdrawal permits, reduced the number of fraudulent prescription blanks. Commissioners' copies of all withdrawal permits, which operate as a check against amounts of intoxicating liquors allowed in basic permits, were required to come to the Permit Division at Washington. This provides an accurate daily check on all withdrawals in all directors' offices. The abuse of allowing overdrafts has thus been practically eliminated. To illustrate: During the quarter ending March 1, 1923, only 302 overdrafts, out of a total of 145,000 withdrawals, were noted, and in no instance was the amount withdrawn in excess of four gallons beyond the basic permit limitation.

There can be no question that one source of supply was, at first, the bonded warehouse. To back up measures of increased supervision, Congress authorized the concentration of bonded whiskey. This whiskey formerly was scattered in about three hundred distillery warehouses, many in outlying sections. Under the Treasury Appropriation Act of 1922, twenty-five centrally located warehouses were designated and the transfer of the existing supply of medicinal liquor has been steadily carried forward. On July 1, 1922, there were 38,000,000 gallons of

distilled spirits in bond. Within seven months 200,000 barrels had been removed to concentration warehouses without the theft of a single pint. The concentration will be finished by the end of the present fiscal year. When it is complete, prevention of improper withdrawal will be made even more easy and in addition there will be a saving to the taxpayers of about $300,000 in guarding and other costs. Since November 23, 1921, there has been no lawful manufacture of whiskey.

Withdrawals of all distilled spirits, including gin, rum, and brandy, compare favourably with the record of whiskey withdrawals. During the twelve months ending February 28, 1921, the total of all distilled spirits withdrawn stood at 13,084,272 gallons. During the following year the withdrawals had been reduced to 2,568,074 gallons; and for the next year, ending February 28, 1923, only 1,843,814 gallons were withdrawn.

The quantity of bonded distilled liquor available for legitimate or illegitimate consumption was, therefore, over eleven million gallons less in the year ending February 28, 1923, than it was in the year ending February 28, 1921; and more than seven hundred thousand gallons less than in the year ending February 28, 1922.

It is perfectly true that some persons connected with the medical profession have at times made unscrupulous use of privileges, and that fraudulent permits are used, though in decreasing numbers. The result is that a small amount of distilled spirits may be, even now, diverted for beverage use, but this amount is so small as to be almost negligible. The spigot at that point may be considered to be turned off.

Problems connected with the withdrawals of medicinal and sacramental wines have been more difficult, and there has been an increase rather than a decrease in with-

drawals. The figure for the year ending February 28, 1921, was 6,742,704 wine gallons; for the year ending February 28, 1922, 5,672,266 gallons; and for the year ending February 28, 1923, 7,469,291 gallons.

A partial explanation may be found in the fact that in 1920 and 1921, and up to the latter part of 1922, there were no indictments brought against rabbis and clergy for violations of the law. During the first six months of 1923, however, there was a reaction and a marked change in the attitude of the courts. Three convictions were secured and by the middle of the year thirty-six cases were pending. Through new and effective provisions designed especially against abuses by alleged rabbis and others this source also would seem to be in a fair way toward being removed.

The smuggler, the bootlegger, and the moonshiner, whose activities and the efforts to curb them have been described in other chapters, constitute the remaining and by far the most vicious source of supply for the drinkers who are still insisting on pouring illicit liquor into their stomachs regardless of the chances they take.

And until the Government instituted the use of a monkey wrench—the strongest and most powerful with which the Volstead Act came equipped—restaurants, hotels —some of them of standing—and amusement places large and small, showed an alarming willingness to play the game and share the profits with the bootlegger. The flow of illicit liquor through public and semi-public channels was not to be ignored or under-estimated. Yet how to turn it off was a problem.

In the fall of 1922, the Government determined to use this powerful tool to shut off these continued violations. It was labelled "injunction." It could be used, it was argued, under Sections 21, 22, 23, and 24 of

the National Prohibition Act. And so it proved. Letters were sent to every director and divisional chief urging action looking to abatement of liquor nuisances by injunction wherever possible, as a part of the enforcement programme. Standard forms of pleading were drawn up and sent into every state.

Things began to hum. Illinois took the lead in applying one of the most powerful weapons provided by the law, and to date has secured over a thousand temporary injuctions. Numerous places have been closed, or allowed to stay open under bond.

During the same period New York secured some eight hundred injunctions. Several places were closed on permanent injunctions, among them the Reisenweber restaurant.

About that time hotels and restaurants which had been laughing at the law and calling prohibition enforcement a fizzle, began to think again. That was very evident. Reports coming into headquarters showed that places which had been violating the law, or were strongly suspected of it, had become pure as the driven snow. Thirsty would-be patrons were being turned away with the icy stare. The good old wink that went with the order for "cold tea" was bringing nothing but cold tea, for the 58th Street Restaurant Company Inc., known as Paradise (formerly Reisenweber's) had been violating the Prohibition Act and had not been discouraged in the least by arrests, and now the doors of the 58th Street Restaurant Company, Inc., known as Paradise (formerly Reisenweber's) were closed and padlocked, by order of the Court.

And not only this restaurant. Shanley's, at Broadway and 43rd Street, Murray's at 228 West 42nd Street, and the Little Club, at 216 West 44th Street, closed their doors

after action was instituted against them. Four other resorts closed after papers had been prepared for the institution of abatement action but before the papers could be served. These were Delmonico's, Fifth Avenue and 44th Street, Cushman's, 160 West 4th Street, The Boardwalk, 1600 Broadway, and the Monte Carlo Restaurant, 209 West 51st Street. And the famous Knickerbocker Grill, on 42nd Street just off Broadway, was padlocked June 23rd for six months.

An arrest is one thing; a fine—well, a fine is a fine. So are profits profits, especially when men are thirsty and money is plentiful. An arrest is an inconvenience, but a turnover of bootleg booze at a thousand per cent. profit or more—that's a business. So it is, until an officer of the court comes and puts a padlock on the business that is going to stay on for a year or more. It was about that time that the restaurant and hotel law breakers had it brought home to them that their trade was not a business but a nuisance.

And not only in Illinois and New York, either. California, Minnesota, Arizona, Louisiana, West Virginia, and Idaho were quick to fall in line, and many other states joined them.

By June of 1923 California had 258 temporary injunctions in operation and fifty-eight of them were final. Twelve places had been closed for a period of a year, among them two hotels. The first hotel closed was in San Jose.

Out in Missouri the first official act of Judge Albert Reeves of the United States District Court for the Western District, recently appointed by President Harding, after he had taken his oath of office, was to close by injunction a large building in Kansas City which had long been a nest for bootleggers and moonshiners. That injunction stood

the bootlegging business in Kansas City on its head. There is no other term that adequately describes the situation that the injunction created. The healthful effect of the use of the injunction has never been more clearly or forcefully demonstrated.

Hardly had the first shock of Judge Reeves's action passed before news came from Texas that the Westland Hotel at Wichita Falls, one of the good hotels in the state, had been ordered closed for a year for continuously violating the prohibition law.

There was no doubt about it now. In spite of the hopes of the most optimistic Anti, the lines were tightening, visibly. His pet restaurant, where the proprietor was his personal friend, wouldn't serve him any more—not with the injunction an ever-present threat. But thank Heaven was his comforting thought, his private bootlegger was still doing business.

It may be that that same private bootlegger is doing business up to the moment that this page is read; but if he is, he is finding it more and more difficult to get his stock from "reliable sources," he is taking more chances in the stuff he is vending, and his peace is troubled by a shadow hanging over him that was not there a few months ago.

For "conspiracy" has been written into the measures of prohibition enforcement. And conspiracy is an ugly word. It was in line with the campaign for the abatement of liquor nuisances by injunction that the Prohibition Unit began to avail itself of every chance to use the conspiracy provisions of the United States Criminal Code to prosecute the law-breakers.

Now the penalties provided under the basic provisions of the Prohibition Enforcement Act itself are the merest slaps on the wrist when compared with the punishments for conviction on conspiracy charges; and a conspiracy

charge, where possible, is correspondingly more effective when it comes to a problem of breaking up an organized nest of bootleggers.

A motley aggregation of more or less prominent citizens of Gary, Indiana, found that out for themselves along in the latter part of March, 1923. With the mayor, the prosecuting attorney, and a city judge in a liquor ring, it might be supposed that a town could be pretty wide open without much fear of interference or lack of booze. No doubt a good many thirsty citizens of the city of Gary had it figured out about that way—until the indictments came. There were seventy-five of them. The list read like the cast of a melodrama—or, perhaps, a comic opera. First there came Roswell O. Johnson, Mayor of Gary; then William M. Dunn, Judge of the City Court; after him Blaz A. Lucas, Attorney; Dwight Kinder, Prosecuting Attorney; Clyde M. Hunter, former Prosecuting Attorney; Lewis Barnes, former Sheriff of Lake County and then chairman of the Gary Board of Public Works; police officers, deputy sheriffs, bootleggers, and soft-drink operators. Fifty-five of the seventy-five were convicted of illegal sale and transportation of intoxicating liquor. Mayor Johnson was fined $2,000 and sentenced to eighteen months in the United States penitentiary at Atlanta. Judge Dunn and former Prosecuting Attorney Hunter, Barnes, the chairman of the Board of Public Works, and Attorney Lucas were fined a thousand dollars each and along with the fines went a sentence of a year and one day at Atlanta. The others were given jail sentences of from one day to six months and fines ranging from one to five hundred dollars.

The curtain fell with the booze ring in Gary shattered beyond repair.

This case is but one of many that have been brought

in Ohio, Nebraska, Washington, and other places where evidence of an existing ring offered opportunity to break down organized bootlegging by bringing into action the laws punishing conspiracy. In all, up to midyear, 1923, 254 indictments had been found and on these 107 convictions had been secured, with fines imposed amounting to $223,967 and prison sentences aggregating thirteen years and twenty-one days.

In Federal courts alone (disregarding the large number of cases in State courts) for the period from June, 1921, to April 1, 1923, 3,500 civil cases and 65,760 criminal cases were instituted against alleged violators of the prohibition laws. Convictions secured on civil charges totaled 2,314 and on criminal charges 43,905. And for the single fiscal year ending June 30, 1922, fines imposed in criminal cases amounted to more than $4,000,000.

For the ten months beginning July 1, 1922, and ending April 30, 1923, the fines imposed in criminal cases in Federal courts totaled $2,755,891.44.

The source of supply represented by the bootlegger, the smuggler, and the moonshiner is slowly but surely drying up. Those who must drink, or will drink despite the law and the Constitution, can still get liquor of more or less deadly quality, if they can afford it. But the supply that comes from the bootleggers is but a trickle compared with what it was two years ago, even a year ago. And none but the foolish or the desperate will touch it.

The manufacture of beer in the United States during the fiscal year ending June 30, 1922, was on a scale of from 800,000,000 to 900,000,000 gallons. Before prohibition became effective, 1,100 breweries were operating in the United States. Many continued in operation, making cereal beverage. Seven hundred and four breweries filed applications for 1923 permits to manufacture cereal bev-

erage containing less than one half of one per cent. alcohol. Of these, 101 applications were disapproved.

Seventy-two breweries have been seized for violation from June, 1921, to June, 1923. Eighteen breweries have been enjoined in the United States Courts, and in the period from June, 1921, to April 1, 1923, there were 98 brewery convictions and fourteen brewers were sent to jail.

Home-brew, the last source of supply, is out of fashion. That is a surprisingly accurate statement of the fact. It wore itself out. Its history is one of the curiosities of prohibition enforcement.

In 1921 and during a part of 1922 dealing in "the ingredients" was a thriving business. Enterprising wits devised and threw on to the market not only ready-mixed materials in proper proportions for immediate use, but all the implements for the basement or the kitchen brewery, from kettles to patent bottle stoppers and caps. And the amateur brewers bought heavily.

A very recent survey of the industry, which burst into full bloom almost over night, shows that it gradually faded and has all but disappeared. The dealers themselves offer varied explanations. Most of them say that the process was too irksome and the results too uncertain. One dealer recently gave it as his opinion that the real reason was that the process was too messy and that the lady of the house refused to have her kitchen mussed up with home-brewing operations.

Perhaps this is close to the real truth of the matter. At any rate it seems to have been nothing more than a fad, with too much work for the "kick" to be got out of it.

The manufacture of synthetic gin is following the same course, as our surveys have shown. As regulations governing the manufacture, sale, and use of grain alcohol

are becoming more systematized and the regulations applied with greater care, there is every indication that less and less of it is being diverted from commercial and medicinal channels.

The peril that lies in the possibilities of getting adulterated alcohol, or a product that is a deadly poison is discouraging all but the desperate and the reckless. Home-made gin is without question destined to go the way of home-brew.

And what does it all mean, this gradual but certain choking off of the sources of supply?

Actual and accurate figures on the total number of drinkers who are still drinking what they can get are, of course, impossible to get. But we do know that in the years immediately preceding prohibition there was an annual consumption in the United States of about 130,000,000 gallons of American-made whiskey. We can be sure that whiskey drinkers are to be numbered now in hundreds and thousands rather than in hundreds of thousands and millions; and these include those unfortunates whose partial or complete addiction to the liquor habit leads them to take chances with vile and poisonous synthetic concoctions, the traffic in which is rapidly dwindling, as drinkers are discovering through education what it is, how it is made, and what it does.

And what, in turn does that mean?

What does it mean to the American home, the American community, the American nation? To the men and women and children of to-day—and of to-morrow?

The answer to this can be indicated, even now. There are facts. There are figures not complete, but tremendously significant. They are coming out of the courts, the jails, the brothels, the slums. They are coming out of hospitals, the sanitariums, the morgues, the asylums.

And they are coming out of the schools, the theatres, the factories, the stores; out of building records, banks, insurance companies, churches.

And they show a *trend*.

A study of these figures and these facts, so far as they are at present available, and an examination of their relation to America's great adventure is made in the following pages.

The story is an inspiring one.

CHAPTER XXI

MILESTONES OF PROGRESS

TWO great influences have been at work in America since the boom of a single cannon in the Place de la Concorde told Paris and an eager world that Peace had come; that the World War was an ugly dream of the past, and that after years of tragic struggle, death, and worse, humankind was at last free to set its face again toward the light.

One has been the reaction from war; moral, spiritual, material.

The other has been the operation and enforcement of the Eighteenth Amendment to the Constitution of the United States.

The effects of the one, as has been the history of the days following all wars, were sharp, disturbing, but ephemeral. The carbuncle grown from festering hate, greed, suspicion, that had been gathering through years of bitter rivalry and conflict of ideas and ideals, has burst and been drained. It left, for a time, an open, tender sore, which is gradually closing over and in time will leave little trace. Once readjustment came, strains were neutralized, and the world moved on.

The war against alcohol has been more in the nature of revolution; or, perhaps more accurately, evolution. It may change the whole current of human life. Its full effect on the thought, ideals, aspirations, and achievements of the human family may never be fully measured because

it may never end; the changes as they come will be observable, but largely unobserved because they will establish themselves gradually, and in orderly sequence.

Already some of their outlines are to be discerned through the smoke of early conflicts, through the heavy mists of vicious propaganda which is selfish argumentation and protest fathered by thwarted sensual desire.

To the thoughful, the purposeful, the truly patriotic, these outlines stir the imagination, challenge ambition, open quick vistas of a world richer and finer, infinitely fuller of the things worth living and striving for than the human family ever dreamed of.

An extravagant statement?

Let us see.

Perhaps the most direct way to a reasonable and accurate answer is to be found by beginning at the one great fundamental.

Pathologists, psychologists, scientific men of the world are agreed that alcohol is an active narcotic poison which attacks the human brain in about the inverse order of its development. The higher mental attainments are the first to be impaired by the introduction into the human system of this poison. The first effect of alcohol is to dull or destroy the moral sense. No one with the slightest familiarity with the effect of liquor drinking will be inclined to question that. The mental powers are next to be attacked; then, as a third stage of intoxication the nerves and muscles become affected and we have visible drunkenness. Continuous poisoning affects the lungs, and if intoxication proceeds still further, the heart is paralyzed and death ensues.

If, then, through the country's early efforts toward enforcement, the number of drinkers of alcohol beverage has been reduced by the proportions indicated in the pre-

ceding chapter, it would be reasonable to suppose that there should soon be observable throughout America's citizenship an improved mental tone, a heightened moral and ethical perception, a quickening of physical and intellectual activity and a consequent advance in material prosperity, running down through all layers of the social strata.

And this is precisely what has been happening. And it has been happening in spite of an after-the-war phenomenon which we have been wont to call a "crime wave."

It is granted that war lowers the sense of individual responsibility. In its breaking down of the standards of everyday life, it breeds disregard of established laws and customs, engenders violence, brutality, and sensuality. The savage and primitive in man of necessity breaks through the refinements that civilization has nourished. Moral and ethical restraints are discarded. The higher perceptions for a time are dulled. Whatever may be the beneficial effects of a deadly conflict such as the world has just gone through, these evil aftermaths are inevitable. They continue in lessening degree until humankind has adjusted its balances and has reduced the facts of existence to a normal and true perspective.

The "crime wave" which came as the back-wash of the World War was most violent in Europe because the nations of Europe had been immersed longest in a situation where violence, slaughter, and pillage had gradually come to be almost a normal state of existence, and where emotions and sentiments had been blunted by continuous conflict and suffering.

Yet we of America felt the surge of this back-wash, too; and with serious misgivings. The Eighteenth Amendment, therefore, had not only to break down inertia, force its way through the natural prejudice of many, to substitute for an indolent satisfaction with "things

as they are" a militant reaching out for things as they may be, but at the same time it had to bear against the weight of this evil post-war tide.

How far has it advanced? What are the facts? What is the present line of the trenches that the Eighteenth Amendment has won and held?

There are figures that point the answer to that. They are not complete. But they give the bold outlines of the battlefront.

And in their promise of what lies ahead, they are rich in meaning—like the "color" that is uncovered by a stroke of the prospector's pick.

The Eighteenth Amendment has cut the number of arrests for drunkenness more than in half.

It has reduced the arrests for drunkenness among women by more than one third, in some localities as much as eighty per cent.

It has cut heavily into the number of arrests for offenses against chastity.

It has reduced by half the deaths from alcohol and alcoholic insanity.

It has lowered the national death rate to an extent that can now be measured in figures.

It has materially cut down the populations of state penal farms, prisons, and almshouses, releasing thousands of citizens for useful work.

It has had a marked influence in the reduction of the number of cases of juvenile delinquency as shown by court records, bespeaking not only the force of example at home, but an increased sense of responsibility and exercise of restraint on the part of parents.

Those are but some of the remedial effects; and this healing process is proving but the forerunner of great

constructive and reconstructive processes whose true import we can but inadequately measure.

There has been a steady falling off in industrial accidents and an increase in the worker's efficiency.

There has been a rapid improvement in school and college attendance.

There has been a continuously increasing activity in home-building which can be attributed only partially to the housing shortage caused by the war. Over 6,000 new homes were built in each month of 1922, representing a total investment of $112,285,000 for each month of the year. The volume was five times greater than that of 1918, the last wet year.

There were, during the single month of April, 1923, over 1,137,000 new life insurance policies written, exclusive of renewals and revivals, increases or additions by dividends. This was 287,000 more than the highest previous record, of March, 1922, when 850,000 new policies were issued. The face value of the new policies issued in April, 1922, was $727,179,000. The same month, also, broke all records in industrial life insurance, held mostly by wage-earners, with a face value of $208,105,000.

There has been a definite movement toward more wholesome forms of social life and recreations. During each month of 1922 there were social and recreational buildings constructed that represented an expenditure of $9,164,000, or an outlay for these purposes of $2,200,000 per month greater than in 1919.

There was, as shown by figures given out by the Controller of the Currency on 623 mutual savings banks, an increase in savings bank deposits during 1921 of $338,336,000 over the previous year and a gain in depositors of 173,933.

There has been an astonishing increase in the strength

and membership of our churches since prohibition enforcement became a fact. In 1921 church membership increased 1,200,000. In 1922 there was an increase of more than 950,000 more than the previous year. For every day of 1922, three thousand persons joined the church, twelve ministers were licensed or ordained, and seven congregations were organized. During the year an average of $7,172,000 was expended each month for the erection of churches and other religious or memorial buildings.

Broad statements, some of them, to be sure, especially those that relate to what I have termed the curative influences in prohibition enforcement. But let us look at them more closely. They will be found to be abundantly borne out by the detailed facts and figures accumulating daily from every section of the country.

Do not misunderstand me. I do not claim these results are the exclusive product of prohibition, but they have in prohibition their most dominating and determining force.

Michigan is a border state. The greatest city in Michigan is a border city. Any border territory is in its very nature the most difficult for the enforcement agencies if for no other reason than the proximity to foreign supply.

Detroit, too, is a city of great fortunes, quickly made. It is still in its boom period. It is a city of free spending. Characteristic of all communities of this nature is a tendency toward a not too meticulous observance of laws and regulations.

Michigan, and especially Detroit, have been difficult territory from the beginning. The figures from this section, then, may reasonably be regarded, even by the most skeptical, as furnishing if not a below-normal at least a

fair cross-section of what is going on in this country as the direct result of prohibition enforcement.

In 1907 the doors of 9,207 saloons were swinging night and day in Michigan. To-day, in virtually every city and town in the state, business locations are at a premium. Where saloon, grog-shop, and dive once stood there now stand business houses that are contributing their share to the wealth and happiness of the state.

Before prohibition became effective there were sixty-one breweries making beer in Michigan. Twenty breweries are in operation to-day for the manufacture of near-beer and soft drinks. Of the forty-one that went out of business, some have been torn down to make way for new properties and others have been turned into cold storage plants or factories.

A recent report of the Attorney General of Michigan shows that arrests for drunkenness have been nearly cut in half. Figures on this type of cases formerly were compiled every year. A new law requires such a compilation only once in every two years. In 1917, the last year the state was wet, there were 14,806 cases of drunkenness in the Michigan courts. For the year ending June 30, 1920, this total had been cut to 8,961 cases. And the total for the next *two* years was 21,061. It must be recognized, too, that in the old days of the open saloon, an offender had to be creating a nuisance or a disturbance, or in such a condition as to be unable to take care of himself before an arrest would be made, whereas now intoxication means an arrest. So the figures of the wet years are for disorderly conduct and excessive drunkenness.

Figures are dry and uninteresting things, sometimes; but not when they bear directly on the life and health of a nation—its citizens of to-day and the citizens of to-morrow.

In 1917 the percentage of infant mortality in Michigan

stood at 8.9. In 1922 it had fallen to 7.3. The chances of a baby living had been raised 1.6 per cent under prohibition.

Before 1919 there were twelve hospitals and homes for alcoholics. To-day there cannot be found one such institution in the state. When the saloon went, the institutes, cures, and other establishments for the wrecks that came through the swinging doors went with them. For the occasional case that arises to-day the general hospital is ample.

Four hundred and ninety-two cases of alcoholic insanity were reported in Michigan for 1916; 556 cases for 1917. In 1921 the rise in this society-destroying disease had not only been stopped, but the figure for 1917 had almost been cut in half. There were 285 cases reported in 1921 and it is predicted that when the full figures for 1922 are compiled the total will be below two hundred cases.

The effect of these curative influences of enforcement is indicated unmistakably in such available figures as touch the material welfare of the state.

The total of savings and bank accounts for the wet year of 1916 was $252,337,507. For 1917 the figure stood at $269,434, 809. The dry year of 1921 returned a total from the same sources of $484,700,438; and in 1922 the figure reached $538,938,467.

No doubt it is true that the exact responsibility of prohibition enforcement for these astonishing figures can never be absolutely fixed without an interview with every individual depositor. But the fact remains as a fact that in 1922, and including a period of depression and unemployment, savings and bank accounts were double those of 1917, the last wet year. A great number of people had a wider margin between income and personal and family expenditures. My own belief, and it is backed up by

investigators who have made a special study of this phase of prohibition, is that the money that formerly went for alcoholic beverage of high and low voltage made up a large proportion of this margin.

The Michigan figures on insurance all point in the same direction. Insurance in force throughout the state increased from $664,896,239 in the wet year of 1916 to $1,383,907,171 in 1921 and will be found to be even higher for 1922.

And there was enough of the margin left to keep additional thousands of youngsters in school. School attendance, according to reports of the Superintendent of Public Instruction, has shown an increase over the wet years that is not to be accounted for by increase in population.

The State Welfare Department has reported greatly improved home conditions. The report of the Commissioner of Labor shows that general satisfaction is expressed by employers and that they report greater efficiency and fewer accidents. The store-keepers declare that bills were never paid so promptly as at present and they credit this to prohibition. Credit men in general are strong in their statements that prohibition has worked marked changes in the dependability and credit of the average citizen.

Not typical, this booming Western state, of the great congested districts like New York, with its slums, its gangs, its sordid night life, its teeming foreign population?

Perhaps not. Yet the clean, wholesome areas left in wake of the advance of prohibition are no less discernible than in the section we have just examined. And there is a startling similarity in the benefits that have come.

Arraignments for drunkenness in magistrates' courts in New York City show a decrease of 66 per cent.

During the wet days over 4,326 women were arraigned annually for drunkenness. The average for the dry years has been but 820, less than one fifth as many.

Arrests for assaults have fallen from an average of 5,574 during the wet years to an average of 2,482, a decrease of 55 per cent. during the dry years.

Alcoholism is rapidly disappearing. The records of Bellevue Hospital confirm the police and court evidence. In none of the five years preceding prohibition enforcement did admissions for alcoholism fall below 7,843. In 1911, 1912, and 1914 there were over 8,000. In 1920 there were 2,312; in 1921 only 1,857. Deaths from alcoholism in Bellevue averaged 237 a year before prohibition. There were only ten in 1920; eight in 1921.

The figures of the Chief Statistician of vital statistics of the United States Census Bureau on the death rate from alcoholism for the whole state per 1,000 population show that the rate has dropped from the high mark of 8.2 to 1.2 for 1920. The exact figures are: 1913, 7.3; 1914, 5.9; 1915, 5.2; 1916, 8.2; 1917, 6.4; 1918, 3.0; 1919, 2.0; 1920, 1.2.

While New York City's population had increased over 10 per cent., her death rate in 1921 had decreased by 23 per cent. and a fraction since 1915. The death rate of children under five years fell off 28 per cent. within a single year.

For the whole state the general death rate decreased by 18 per cent. and for children under five years by 25 per cent.

Drunkenness decreased throughout the state, in some places over 80 per cent. Comparing the last two wet years with the first two dry ones, the following figures, on decrease in arrests for drunkenness, give a picture of what has been going on in the State of New York:

Albany, 81 per cent; Binghamton, 20; Buffalo, 43; Elmira, 71; Geneva, 83; Gloversville, 53; Jamestown, 55; Kingston, 60; Lockport, 5; Niagara Falls, 48; Ogdensburg, 81; Oswego, 80; Poughkeepsie, 62; Rochester, 46; Rome, 84; Schenectady, 37; Syracuse, 69; Troy, 50; Utica, 55; White Plains, 30; Mt. Vernon, 22; New York City, 42.

The average percentage of decrease for twenty-six cities was 54 per cent. and the average percentage exclusive of New York City was 50.

The movement toward health, sanity, increased usefulness, and prosperity, then, that we found in Michigan has been just as marked and just as certain where people are crowded together as in New York. The great forces underlying national prohibition are the same everywhere and their manifestations in the national well-being are irresistibly of the same general character, regardless of location, population, creed, tradition, or blood. Take a few quick cross-sections from other parts of the country:

California

Arrests for drunkenness: Average for the cities for the last three wet years as compared with the average for the last three dry years, a decrease of 47 per cent.

Population of the state penitentiary: A decrease of 20.5 per cent.

Deaths from alcoholism: A decrease of 74 per cent.

Alcoholic insanity: A decrease of 47 per cent.

Arrests for all causes, city of San Francisco: A decrease of 35 per cent.

Savings and bank deposits: An increase of 48 per cent; 37 per cent. in actual number of accounts.

Massachusetts

Arrests for drunkenness: A heavy decrease during the three dry years as compared with the last three wet years.

Population of State Reformatory for Women: A decrease of 84 per cent.

Population of State Reformatory for Men: A decrease of 89 per cent.

Missouri

Arrests for drunkenness: In the largest cities and towns a decrease of 70 per cent. during the three dry years as compared to the last three wet years.

New Jersey

Newark—Arrests for drunkenness: Average for the last three wet years as compared with the average for the last three dry years, a decrease of 26.6 per cent.

Paterson—A decrease of 24.1 per cent.

Jersey City—A decrease of 14.8 per cent.

Deaths from alcoholism for the state: Decrease of 49 per cent.

Delaware

Arrests for drunkenness, except Kent County: A decrease from 2,703 in 1919 to 623 in ten months of 1922.

New Castle County Workhouse population: In 1916, 462 inmates; in 1917, 458; in 1918, 548; the number gradually decreased from then on to 1922 when there were 363 inmates.

Offenses against chastity: A decrease from 139 in 1916 to 66 in 1922.

Juvenile offenses: A decrease from 945 in 1918 to 615 in 1922.

Savings and bank accounts: An increase from $45,307,356 in 1917 to $64,650,289 in 1922.

School attendance: From 1917 to 1922, an increase of 2,723.

Insurance in force: In 1916, $38,143,931; in 1922, $83,885,693.

Out of 178 former saloons and breweries all but ten are now occupied by legitimate business concerns.

Murders: Twenty in 1918; 8 in 1922.

Pennsylvania

Arrests for drunkenness in Philadelphia: First two dry years compared with last two wet years, a decrease of 37 per cent.

Arrests for disorderly conduct same period: A decrease of 63 per cent.

Arrests for drunkenness in Pittsburgh: 1922 compared with 1917, a decrease of 45 per cent.

Deposits of trust companies, savings institutions and banks under the supervision of the state: December, 1917. $1,296,349,512; September, 1921, $1,656,403,956; October, 1922, $1,762,673,207.

Non-support cases in Philadelphia: In 1919, 4,106; in 1922, 1,873.

Life insurance in force: Increased $844,234,644 in 1921 over 1917.

And so the story runs. In all sections of the country it is the same. Everywhere there are figures, complete or less comprehensive and detailed, but all telling of waning drunkenness, vice, and crime; emptying hospitals, asylums, and jails; rapidly accumulating savings, overflowing schools, sturdier, happier children, better, more prosperous homes, increasing and more wholesome recreation, healthier social life, and increased fruits of human labor.

The amazing tendencies in our national life which we have witnessed since prohibition enforcement became a fact cannot be overlooked or unfelt even by those who have been most determinedly opposed to the law. The sensational reductions in the death rate, the increase in

longevity, the elimination of the brothel, the rapid disappearance of crimes against chastity, the startling decrease in major crimes as well as in the amount of public drunkenness and disorder, the falling off in cases of destitution due to intemperance, the reduction in the burden on the juvenile courts, the lowered rate of alcoholic insanity, the abandonment of institutions for the cure of drunkards—all these have pointed with inexorable definiteness and certainty to the fact that prohibition, even imperfectly enforced as yet, is putting the brakes on against the downward influences in society; is weaving something new and infinitely worth while into the fabric of American life.

Inspiring as have been these results on the curative side, the effects on the constructive side of American life have been equally amazing. Not even the business depression could check the upward climb of savings deposits, the thickening sheaves of new insurance policies, the almost unbelievable figures on home and recreational building which I have cited in earlier paragraphs.

We, as a nation, are but beginning to discern that these economic benefits have played a large part in developing America's position as a leader of the world. While a great European power had not far from a million living on the weekly dole, we had no pensioners on our bounty, save the weak and disabled.

We are beginning to apprehend, too, the true significance of the spectacle of a foreign nation turning a billion and a quarter dollars into her drink bill for a single year and then discussing her inability to pay her wartime obligations.

We are beginning to get hold of the fact that while nations in drink-fettered Europe are spending destructively a great portion of their incomes on alcoholic drink,

America is sending her wealth through productive channels, building constructively for the future.

It is impossible, even for the American who is least inclined to put his own weight behind the Eighteenth Amendment, most loath to forego personal indulgence, to ignore the fact that the prosperity of the United States has not been due to any increase in her foreign trade, against which the exchange rate operates; that we are consuming more of our own products. He cannot dodge or fail to take account of the fact that the men who make America's automobiles are driving them; that our silks and fine textiles are finding buyers among our own people; that sober workmen are consuming a larger portion of our manufactured products than ever before in our history.

He knows, if he reads his daily newspaper, that we are the only nation in the world without an unemployment problem. The sums we once invested in the destructive distilling and brewing business now operate factories, mines, and railroads.

Our school life has been lengthened. The family purse to-day suffices for the family support, now that the barrooms are closed, without the children adding their pittance. Revived ambition in the home has sent to high schools, academies, preparatory schools and colleges, thousands who, in our wet years, lacked the means or the encouragement to study, or both.

In the factory, the counting room, the store; in the mines, on the farms, in the great open spaces; in the home, in the schoolroom, in the church, there is a great, quiet, resistless force in motion that is lifting America to a place of unchallenged leadership of the world.

The uncertainty is not whether national prohibition shall become an American institution. That is already decided. It is how rapidly America shall move toward

universal observance of a principle that has been written into her charter, and through this to a civilization that inevitably will set a new mark in human attainment.

That is my conviction. It cannot fail to be the conviction of every serious-minded American who will study the facts and figures as they come in from every state, city, and village of the land.

There are obstacles. Many of them have been passed. Some of them remain.

To examine some of them, to indicate the way across, and to catch a glimpse, at least, of what lies beyond, will be my purpose in the succeeding chapter.

CHAPTER XXII

THE SIGNS OF THE TIMES

THE world is watching America. And the world is waiting on America. What of prohibition? What does the future hold?

Lloyd George said:

> America is making a very bold experiment to deal with probably the greatest curse of modern civilization. She has tried many experiments but they have been only comparative successes.
>
> She has made her decision, with the courage that characterizes a great people, to try the prohibition experiment—one that has never been made on this earth before. Let us give her a fair chance. Let us be quite frank. One of America's greatest difficulties has been the liquor which has been pouring in by surreptitious means from Europe. . . .
>
> There is no doubt fortunes have been made by smuggling liquor into the United States in defiance of a law which passed by a greater majority than any other law in any country.
>
> Give it a fair trial. They are a great, practical, courageous, resolute people. Don't let us interfere with them. They are a people of more than a hundred million, highly educated and progressive. Therefore it is in the interest of civilization that they be allowed full time to test this effort to solve a problem which is just as much ours as theirs.

That was his utterance when America risked her long friendship with her kinsmen across the seas in a sober decision to stand by her laws even if it came to breaking the King's seal on intoxicating liquor aboard British ships in American waters. Long before that he spoke of Eng-

land "watching the progress of America's bold bid for sobriety with hopeful, if anxious eyes." "What Britain does," he added, "will depend entirely on the success or failure of what America is doing now."

Yes, England is watching; and France; and Germany; and Italy; and Scandinavia; and Turkey; and India.

Men who think are saying things; men who act are doing things. While the German police authorities early in the summer of 1923 were exhibiting publicly, in an effort to curb the crime wave, the deadly weapons used by criminals, a bill providing for local option was carried victoriously through the Reichsart and the Economic Conference and into the Reichstag. In the same month came dispatches saying that a strong movement for prohibition had laid hold of France while the Ministry of Labor was in the midst of an investigation to discover whether French production was being hampered by alcoholism.

We in America have not been conscious of the benefits that have come to us and the advantages we have gained in the family of nations even in the short time that we have been engaged in our great venture. Keen analytical minds from other lands have come to our shores, traveled through our country, gone back home, and spoken.

Sir John Foster, one of England's most distinguished journalists, said on his return home after a three years' stay in the United States:

> They talk more about prohibition than they do the League of Nations.
>
> There was a lot of contentment. In the industrial districts, people were getting used to going without liquor. Manufacturers told me that the men were working better. I talked to many workingmen; they resented being deprived of their liberty, they thought they ought to be allowed to decide for themselves. Then they generally added something like this: "Well, we have

got used to it by now, and if we had to vote again, I would vote that we remain dry." I may be wrong, I am not a prejudiced teetotaller, but I wandered all over the country from the Atlantic to the Pacific, and from the Canadian border down to the Mexican, and the conclusion I came to was that, right or wrong, America has become dry and she is going to remain dry.

Again and again, wandering about the country, not only in the agricultural districts, but in the industrial districts, I saw how healthy the people looked, how well the men, and particularly the women, carried themselves, how bonny the children were. Frequently I had to listen to criticisms about England, about our being a decadent, played-out people, and when I came home I kept my eyes open.

I have not been particularly happy since I have been back. The physique of our people is not to be compared with the physique of the corresponding classes in the United States. Since my return I have been struck by the frequent sight of poor, wan women, wretched and evidently ill-fed; and the poor children with skimpy hair showing the lack of proper kinds of food; and I have noticed the bad teeth which disfigure so many of our people—a thing you rarely see on the other side of the Atlantic.

America and ourselves are going to be very severe competitors in the immediate future in regard to commerce, and whilst we think we are going to hold our own, and whilst no doubt we are as well equipped mentally as the Americans, we are not going to hold our own unless we develop in our general population a better physique than they now have.

That is part of it—competition to come. The economic side of what is going on in this country since prohibition became a factor in our daily lives, is what other nations have been first to take account of. As far back as October, 1922, one of England's foremost economists, Sir George Paish, saw it, and voiced it to his countrymen:

Prohibition is an economic question. There are two reasons for this. First we must all admit that the working classes will

command from now on a greater share of the world's goods than they have been getting before. Second, the difficulty of securing capital from the classes that formerly supplied capital will be exceedingly difficult because of taxes and fear of the future.

Therefore, unless the working people make savings and provide capital, world business will be at a standstill. They can only make savings by denying themselves pleasures, which include drink. In England to-day they spend annually from £400,000,000 to £500,000,000 on drink. If half that amount were saved in England and elsewhere among the nations the problems of the world would be solved. As an economist, I consider prohibition to be necessary and inevitable.

He added that if the Eighteenth Amendment should prove successful in America, Great Britain would have it within a few years.

"*If*." Men of this man's calibre see a dry world. "If"——

But there is no if. Prohibition as a national governmental policy is in America to stay. Its removal from the Constitution is an insuperable task. To prevent this, unfavorable action by one legislative body in each of only thirteen states would be enough. That would prevent any enemies of prohibition, organized or not, from tearing down what the high courage of the great bulk of the American people have set up.

The liquor element, at a time when they seemed securely entrenched in our political system, with vast sums of money for campaign funds and the support of a not inconsiderable element of the public press, could not marshal thirteen legislatures against prohibition. To imagine that to-day, when this new national policy has just begun to demonstrate its value, when the organization of the liquor interests is demolished and when their political power is all but gone, they can win back to their destructive

cause seventy-two separate legislative bodies, is imagery, indeed.

The enforcement of the Eighteenth Amendment is as definitely certain. Those of us who are not blinded by desire for self-indulgence, prejudice, or greed may readily read the future of the enforcement of this law in the history of the past.

Prohibition is not new as a policy of American government. Its history stretches back in a clear line over many years. Throughout that period the story is told in city, country, and state. And always it has been the same.

First, there has come liquor legislation. Powerless to block the passage of these measures the illicit liquor forces have combined and organized to defeat their enforcement. By legal or illegal means they have introduced their stock in trade into the forbidden zones. Venal officers, a complaisant judiciary, and an electorate not fully aroused permitted the outlawed liquor to return, for a while. The citizens, busied about other things, were not always alert.

Mistaking this inattention and apparent indolence for actual opposition to enforcement, the liquor-traders have become bolder. They have carried their defiance of law to excess; and these very excesses aroused that moral passion which is easily evoked in the American citizenry. The elements of the community reasserted themselves. The doors which had been merely closed in the face of the bartender were double locked against his return.

The bold-faced contempt for local laws displayed by many liquor dealers throughout the history of the struggle against them was one of the things that hastened the adoption of the Eighteenth Amendment. All attempts to segregate beverage liquor had failed because of the essen-

tial lawlessness of the business. It invaded the residential districts and polluted them. It used license territory as a base from which to invade no-license communities. It respected no law. Slow to ignite, but searing and relentless when fanned into flame, that idealism, which is the soul of our Americanism, drove outside the pale of law these men who refused to respect or obey any law.

Nationally, we may see history repeat itself. As in the states, the adoption of the prohibition law was followed by the assertions that it could not be enforced; and at the same time every barrier that ignoble wits could contrive was thrown in the way of enforcement.

The law's delays, the purchase of officers, political threat, business boycott, open and flagrant law-breaking—all the old devices and some new ones were called into play to break down and destroy what America's patriotic majority had willed should stand. Clever and ingenious propagandists spread their poison through the press, sometimes cleverly disguised as patriotic utterance. Any sensational departure from normal conduct on the part of any one associated with the enforcement of the law was broadcast as if typical of all. The vacillation of time-serving officials, timorous of their political future, was an aid to the conspiracy, as it always is.

This has been the course of resistance to enforcement in the nation, as it was in the states. And it was due to reaction against these tactics that drastic aggressive measures were adopted by some of the older prohibition states in assertion of their authority.

Whatever the future may hold in this, America's great adventure, the worst that can happen is that the laws enforcing prohibition may be weakened. Against any flagrant abuse of legislative power, however, the Supreme Court stands as a barrier. Intoxicating liquors cannot

be made or sold or transported for beverage purposes while the Eighteenth Amendment stands.

What has been termed "liberal interpretation" may be tried here and there. It was tried in local dry territory before the Eighteenth Amendment was written into the Constitution. Not only did it fail, but always after temporary laxity the lid was riveted on tighter than ever.

There is nothing disconcerting in frankly facing the possibility that the future may hold for us moments when the enforcing agencies will be weakened by the appointment of men not loyal; by reduction of the numbers of agents below the minimum necessary to cover the field: or by withholding appropriations necessary for the work. But that is the ultimate harm that can come.

And it is by no means a probability. America may never come to that bridge. But should she have to cross it, the story of the nation would be a repetition of the story of the states. An aroused electorate would be stirred to righteous passion by occurrences and conditions given birth by laxity, and straitjacket enforcement would follow.

And more quickly. For back of the Eighteenth Amendment now stands the Nineteenth Amendment. American women are voting to-day.

America stands at the cross-roads.

While the nations of Europe and of Asia watch, wait, and wonder, America faces great opportunity; perhaps her greatest opportunity.

Sister nations look upon the Eighteenth Amendment as an experiment. Some of their most thoughtful men, deep students of the labored upward climb of human kind, declare that it is the most daring, the most significant experiment of all history because it attacks the

oldest evil in the world. And America holds it in her power quickly to turn what others look upon as experiment into accomplished fact.

It lies with the individual American citizen.

I believe it to be a fact that deep in the consciousness of every thinking citizen to-day there lies the conviction—it may be only half-formed, or it may be clear-cut and definite—that one of the greatest dangers now confronting the Republic is that we of America shall lose our vision of the sanctity and majesty of the laws we have set up for the government of our republic. And that danger alone has the power to set back the day when the full benefits of the Eighteenth Amendment shall be ours.

We are too prone to look upon this republican form of government of ours as imperishable; to think of our institutions as established for all time. We are too little apt to take measure of the fact that as a republic we are in our infancy.

This government of ours is less than one hundred and fifty years old. Venice has had a republican form of government for eleven hundred years; Carthage for seven hundred years; Athens for nine hundred years. Florence was a republic for thirteen centuries. Rome stood as a free republic for five hundred years.

Yet these great nations of antiquity perished. Their power waned. Their institutions crumbled to dust. Only their traditions were handed on.

And why? Largely because their citizens, through self-indulgence, indolence, false pride, and false standards born of power, prosperity, and luxury, stepped aside from loyalty and obedience to the laws which they themselves had evolved and written.

During the days when Rome stood at the pinnacle of her power, respect for and observance of Roman law was the

outstanding characteristic of Roman citizenship. But there grew up gradually a negligence out of which sprang disregard, contempt, and finally defiance of the law. And keeping pace with the development of this spirit which fastened itself upon the structure of the great republic like a parasitic growth, came weakening of the Roman will and decline of Roman power.

Prodigal luxury has been blamed by some for the decline and dissolution of that once great civilization. Others have attributed it to over-growth of the cities and resultant stagnation of agricultural life. Still others have emphasized the failure of the Roman melting pot. For the assimilation of foreign races was a problem then, as now.

No doubt all these played their parts. But students of history the world over, and especially the Italian historians, are in agreement on the essential fact that more powerful than all was that spirit of lawlessness and apathy toward law and the authority of government. Life was held cheaply. Banditry grew common. Open revolt challenged the law and the law-enforcers and broke down the established standards of morality, art, and social life. It was dry rot deep in the foundations that crumbled them away until the whole edifice toppled and fell.

Only the blind can deny that similar tendencies are abroad in our country to-day. They may have come to us out of the World War. From wherever or whatever they came, they are new, to us. They can be destroyed; but only if an alert citizenship will recognize them for what they are, and tear them out. There are great groups that hold property rights in contempt. There is the same tendency to hold life cheaply that there was in Rome; to shrug at American traditions, American standards, laws, and regulations. There is an observable trend in the direction of lowered and degenerated forms of

literature, art, and the teachings of religion, disguised and nurtured under the cloak of "modernism."

It is often said that a man's life is judged by its crisis; that it is the crisis that makes for his success or his failure. His work may stand or fall by an hour, successful or disastrous; or, it may be, a day, week, month, or year. What is true of the individual is equally true of a generation or a nation, which is but an organized aggregation of individuals. To-day America seems to me to be at the Testing Time, at a moment in history when every citizen must be counted for or against the Constitution and the laws of the land, not alone as revealed in his conviction and preachment, but as revealed by his acts and personal conduct.

There is a growing feeling among thoughtful citizens that we are approaching our Zero Hour. And there is a great hope that the efforts to enforce prohibition may bring into the white light of day the perils that lie in evil influences directing their attacks at the very heart of the Republic. For no true American will take issue on this proposition: There is only one Constitution and no part of that Constitution is less sacred than any other part.

Consequently, we cannot permit the open violation of any specific law without at the same time fostering the spirit of anarchy that will eventually hold all law in contempt and disrepute. We cannot evade, even if we would, the fact that every sign pointing to disregard of the Eighteenth Amendment is a guidepost to the highroad of anarchy and lawlessness; and that road leads to the fulfilment of the tragic prophecy of Macaulay who in the Nineteenth Century predicted that the civilization of the United States would be destroyed by the lawlessness engendered within her own institutions.

Nor, I think, will any real American challenge this

proposition: It is not enough that a man shall obey the law and enjoy the privileges and blessings secured to him under the law, but it is the duty of the good citizen that he constitute himself, so far as his abilities permit, a guardian and defender of the law.

He is a spineless American who will stand by and see the flag of his land scoffed at by the anarchist; and he is a short-sighted American who fails to see in the bootlegger the spirit of the anarchist. More than we can reckon today and more, perhaps, than our children and their children will be able to reckon, depends upon whether or not the citizen upon whom we depend to uphold our Americanism awakens to the realization that bootlegging is not an idle adventure, or even a risky business, but that it is a nefarious and traitorous blow at all we, as Americans, cherish most.

The bootlegger, whether of the highest or lowest walks of life, is a law-breaker. Stripped of his meagre social prestige or political influence, he is a criminal giving assistance to those forces of profiteering criminality whose business it has been to prostitute statesmanship and debauch citizenship.

That is a strong statement. But it is no stronger than what is being said in thousands of American homes; in clubs, universities, offices, shops, banks; in colleges; on the streets; on the farms. And there lies our assurance.

Nor is it alone the point of view of the public servants charged with the enforcement of our prohibition law. The judicial section of the American Bar Association recently presented a report submitted by Judge Charles A. Wood and unanimously adopted as a warning to private citizens and public officials who are encouraging lawlessness and blocking enforcement. One paragraph reads as follows:

When, for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law or any other law, they are aiding the cause of anarchy and promoting mob-violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

Our Secretary of State has voiced the same conviction with characteristic clearness and patriotism:

Everybody is ready to sustain the law he likes. That is not in the proper sense respect for law and order. The test of respect for law is where the law is upheld even though it hurts.

No American, perhaps, has seen the situation more clearly and discerned the perils that lie in national drifts more definitely than has our late beloved President of the United States. Nor have I seen any statement of this great factor in our national life that goes straighter home to the individual citizen than his words:

Whatever breeds disrespect for the law of the land, in any particular department of our community relations, is a force tending to the general breakdown of the social organization. If the people who are known leaders, as directing influences, as thoroughly respected and respectable members of society, shall, in their respective communities, become known for their defiance of some part of the code of law, then they need not be astonished if presently they find that their example is followed by others with the result that the law in general comes to be looked upon as a set of irksome and unreasonable restraints upon the liberty of the individual.

Every law involves more or less of this element of restraint. Nearly every individual will find some part of the code that seems to him an unreasonable inhibition upon his personal freedom of action. Our only safety will be in inculcating an attitude for the respect for the law as, on the whole, the best expression

that has been given to the social aspiration and the moral purpose of the community.

There can be no question that President Harding put his finger on the spot where heaviest responsibility lies. Those who would find excuses for violations and violators, or who would discourage those charged with prohibition enforcement, make much of our foreign population, wag doubtful heads, and declare that we shall never be able to break through habits and customs that have been established through long generations. It is perfectly true that it is difficult for the alien to understand the prohibition law because of the fact that he has been reared under institutions that were firmly established long before mankind knew there was an American continent. Yet the astonishing fact remains that nowhere are the benefits of enforcement showing more clearly than in the congested districts of our great cities, those districts of tenements, narrow streets, and teeming foreign life. The problem is being solved there.

No: the greatest problem does not lie among the ignorant and the foreigners. Governor Gifford Pinchot of Pennsylvania bluntly identified the element that does most to obstruct enforcement. He says:

> It is not the solemn ass who gets up in assemblage and solemnly announces that "prohibition cannot be enforced." It is not the flappers and "sheiks," who rather take to the idea that it is clever and devilish to break the law. I don't mean those, either, of permanently immature minds who seem to be congenitally incapable of thinking there is anything more sacred than a cocktail before dinner. These folks do some harm, but not much.
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> The real harm is done by able, influential people of the community who set themselves on the side of the bootlegger and against the law. All that is necessary to straighten them out is to have them come to a realizing sense of what they are doing.

This realization is growing and spreading, steadily and with astonishing rapidity. Of that there is no shadow of doubt. And there lies the great promise of the future.

The salvation of America up to this hour and at this hour has been the middle stratum of society. That great body of intelligent, dependable, conscientious, patriotic men and women who were responsible for this legislation, I have no doubt, fully expects to see this legislation enforced. I believe that that great watchful majority is holding the law enforcement agencies responsible for the fullest exertion and coöperation. And because much is expected, much will be accomplished. The road ahead is long. But American courage has never yet faltered; the American will to achieve has never slackened. Nor will it in this great adventure.

Yes, the world is watching America; watching, hoping, fearing, wondering. Different emotions fill different breasts as the drama of a nation's struggle to destroy an age-old curse unfolds. There is greed in other nations, as there is here; and there is high aspiration, deep yearning for better things. There are liquor interests in other nations; there are drunkards, criminals, caterers in vice. And there are fathers and mothers; teachers, preachers. There are great far-sighted leaders. And there is the great, sane, patient middle stratum, the folk that the French call the "little people."

It is the beverage liquor interests, the criminals, the vice-capitalists who *fear* we shall succeed. It is the leaders of the world who *wonder* if we shall succeed. It is the "little people" of the world who *hope* we shall succeed.

And we shall not fail.

THE END